ΑΝΑΛΗΥΙΣ ΑΝΕΛΗΦΘΗ,

The Faſtning of

St. *PETRRS FETTERS.*

By SEVEN Links, or Propoſitions.

OR,

The Efficacy and Extent of the Solemn League and Covenant aſſerted and vindicated, againſt

The Doubts and Scruples of Dr. *John Gauden's Anonymous Queſtioniſt.*

St. *Peters* Bonds not only looſed, but annihilated by Mr. *John Ruſſell*, Atteſted by *John Gauden*, D. D.

The League Illegal, falſly fathered on Dr. *Daniel Featley*:

AND THE

Reaſons of the Univerſity of *Oxford* for not taking (now pleaded to diſcharge the obligation of) the Solemn League and Covenant.

By *Zech. Croſton*, Miniſter of the Goſpel at S. *Botolphs Algate*, LONDON.

Jer. 34. 15. *Ye were now turned, and had don right in my ſight, and ye had made a Covenant before me in the Houſe which is called by my Name.*

Ver. 16. *But ye turned, and polluted my Name.*

Ver. 18, 20. *I will give the men that have tranſgreſſed my Covenant, which have not performed the words of the Covenant which they made before me, I will even give them into the hand of their enemies.*

Error cui non reſiſtitur approbatur, & veritas quæ non defenditur opprimitur; negligere quippe cum poſſis deturbare perverſos, nihil eſt aliud quam fovere, nec caret ſcrupulo ſocietatis occultæ qui manifeſto facinori cum poteſt deſinit obviare. *Innocent.*

London, Printed for *Ralph Smith*, at the ſign of the Bible in *Cornhill*, near the Royal Exchange. 1660.

The Epiſtle to the *READER.*

Courteous Reader,

I Am not inſenſible that the ſubject matter of theſe papers, and the ſeaſon of their publication, may expoſe them and their Author to the cenſure of the Committee of Diſcretion; which if they do, I cannot but let thee know, this will not be the firſt time I have fallen under their correction: For, ſuch was my loyalty *to the Kings Majeſty in His late unjuſt exile, and the* cogency of the Covenant on my conſcience, *that my preached Sermons, and printed Papers, were very frequently under the examination of this Committee, conſtituted not onely of my* envious enemies, (*deſirous to diſcover in me a raſhneſs which might prove my ruine*) *but alſo my* trembling friends, and timerous brethren in the Miniſtry, *who thought any who ſtept before them in duty, thruſt themſelves into preſent danger; and yet no judgment could paſs againſt me ſave onely this,* The ſtate of affairs might have made him more politick; *but that it is truth he ſpake, and a Miniſters duty to ſpeak, it could never be denied.*

I preſume, men to whom I am in any meaſure known, will not judge me ſuch a fool as not to diſcern the current of the times, countenance of the Court, clamors of the Countrey, contradictions of riſing perſons in the Church & Commonwealth to what is herein aſſerted; the compliance and connivance of many my brethren in the Miniſtry under the ſame Oath herein vindicated; and the cooled courage of the firſt Compoſers, earneſt Inſtigators, and zealous Promoters of the Solemn

League and Covenant: and that in diſſenting from them, and oppoſing my private apprehenſions to their more prudent affections, I muſt needs expoſe my ſelf to the reproach of ſingularity, inconſiderate heat, peeviſhneſs of ſpirit, and contract on my ſelf the frowns of men in power, and frettings of my complying brethren, and fellow-confederates, and fail the expectations of my own preferment, which my courage and conſtancy for His Majeſties juſt intereſt in the worſt of oppreſſing times, and utmoſt of oppoſition (wherein many who now vilifie the Covenant, durſt not ſpeak, nay did baſely comply and promiſe, to be true and faithful to the Common-wealth of *England,* as it was then eſtabliſhed without a King and Houſe of Lords) *had heightned in both my friends and foes; againſt which, when I* reaſon with fleſh and blood, *and conſult a proud heart within, and numerous family without me, I find ſufficient Arguments (according to the dictates of nature) to determine folly againſt my ſelf; but I hope I* have not ſo learned Chriſt.

True piety doth ſuggeſt and convince me, that wiſdom towards God, is folly to the world; *and the Watchmans* prudence *is to proclaim an approaching evil, whilſt at a diſtance, capable of diverſion, and eſcape; and that the moſt wiſe of Gods Miniſters in all ages, judged it their duty* to oppoſe Gods Word *to mens prevailing luſt, and* preſent propenſity unto wickedneſs: Elijah-*like to ſtand alone, and ſpeak the mind of God, when for ſo doing they may be branded as the* troublers of Iſrael, *when indeed their ſin, not the preachers ſpeach, doth cauſe the commotion; with* Micaiah *to denounce the danger of* Ahabs *deſign, though* 400 Prophets *encourage it, and King, and the Court encline to it: and with* Jeremiah, *to ſay to the King,* Keep thy Oath, and thou ſhalt be delivered, *when Princes and Prophets perſwade the breach thereof, and himſelf muſt down into the Dungeon as* a preacher of ſedition: *Few men will deny, that* Roger Bacon

in:

in his plain preaching to King Henry *3. that if* he did not remove his malignant counſellors, *Peter* Biſhop of *Winchester*, and *Peter de Rivallis*, he could never be at quiet, *played a wiſer part than did the Biſhop, who, to pleaſe the Kings humor, preached up the Kings prerogative to ſuch a pitch, as brought himſelf under an Anathema, from which he was forced to appeal to* Rome *for relief: And all good Proteſtants will conclude* Cranmer *was much wiſer in alone withſtanding King, Council Parliament, Lords temporal & ſpiritual, in the caſe of* K. Henry 8. *his* ſix Popiſh Articles, *than in that Court-compliance, which cauſed that doleful complaint in the midſt of the fire,* This my unworthy right hand.

Magnanimity is a vertue not the leaſt neceſſary to a man, but moſt neceſſary to a Chriſtian, and moſt of all to a Miniſter, who ſhould like his Steeple ſtand in all ſtorms (raiſed under, and by the variations of human affairs) and not like the Weather-cock turn with every wind. I am aſhamed to think with what vigour ſome aſſerted the Obligation of the Covenant *in reference to* Religion, *when the* civil part *thereof was clouded and broken; and now would vindicate the* civil part *thereof, whilſt* Religion *is ſpecially concerned: Like wiſe Archers, level at the mark becauſe of ſpectators obſervation, but reſolve to ſhoot fair and far off; whilſt others wholly couch it, are ready to caſt it off, or by falſe gloſſes, and frivolous interpretations evade it; and ſtudy how to charm others into the ſame ſilence, I had almoſt ſaid ſin.*

It is worth remembrance, that Religion and its Reformation *never was, nor muſt now be expected, to be* the reſult of an ordinary meaſure of reſolution: *It is needleſſe to recite the boldneſs of the* Apoſtles and Primitive Fathers *againſt the contradiction of the Pagans;* Alexander *and* Athanaſius *that* πρόβολον τ ἀληθείας *againſt the* Arrian *Empire in promoting and defending the true Religion: or* Wickliff, Hus, *and* Luther, *and others, in the firſt reformation; and the*

conflicts of Englands Non-conformists *against the remainders of corruption, and Romish Reliques in our Church*, *unto* a Solemn Covenant for their extirpation.

Zeal, courage, and constancy suit not any act so well as the asserting the Obligation of a Sacred Oath, *to which* King and Kingdom *are the subjects, and of which God is* Object and Avenger: *so that* in hanc arenam descendere, *to enter a controversie in defence thereof is* pro aris & focis certare, *to fight for God and our Country, that the one be not* dishonoured, *or the other* destroyed by perjury. Dr. Sanderson *notes courage as a necessary Bar to the* swearing of a forced Oath; *I am sure it is much more such to the* breaking of it *when sworn; he makes it essential to piety*, Viro forti, id est pio, pius enim esse nequit qui non est fortis. *To him I must needs subscribe, whilst* Solomon *seems to have been his Dictator*, The righteous are bold as a Lion, *but the sluggard crieth*, There is a Lion in the way; *and fools wait wind and weather* to the losing seed-time and harvest. *I deny not wisdom to watch and wait opportunity of action, but that general distaste, and dissent, direct contradiction, or declared inhibition of some, luke-warm declention of others, danger and difficulty unto an improbability of effect, should demurre to a positive duty (such as is ministerial exaction of the Oath of God) is* plain folly, *and to divert it is* prædominate iniquity: ob dubia quæ se offerunt nemo à bene faciendo cessare debeat, *is a Divine rule, most fit for Divines to practice in religious discharges.* Regulus *is no little renowned for his fidelity to his forced Oath*; Cum vigilando necabatur, erat in meliore causa quam si domi senex captivus perjurus & consularis remansisset; *And me-thinks the dying profession of* Mr. Christopher Love, *in reference to this very Covenant*, I had rather die a Covenant-keeper than live a Covenant-breaker, *should yet have some influence on* London-*Ministers.*

De juram. præl. 4. Sect. 14. pag. 123.

Cicero de Officiis. lib. 3. p. 404

Speech on the Scaffold.

Let

Let men count me fool and firebrand, *or what they pleaſe,* my record is above, and witneſs is on high. *I muſt tell thee, as no perſwaſion of my friends, threats of foes, loſſe of eſtate, danger of liberty, declenſion of brethren, could conſtrain my ſilence in the civil part of the Covenant which concerned* Cæſar; *ſo I cannot but ſpeak unto the religious part of it, which concerneth* God and his Church, *the things therein* ſworn to be extirpated, *being generally* evil; *and the beſt* (viz.) *Epiſcopacy* (*which* Smectymnus *tells us* [In its beſt and primitive inſtitution was of diabolical occaſion, and meer humane, not Apoſtolical preſcription; a remedy uneffectual to its deſigned end, and only became a ſtirrup to Antichriſt;] *which I hope none of them will be perſwaded to hold*) *is onely good in that particular which is common to other Governments; and not* divine, or neceſſary, *but within human power to be diſcharged or continued. And in conſcience of its obligation, I have this once and again put pen to paper, whereby, if I may do God and his Church, the King and Kingdom, any ſervice, I ſhall be glad, like unto* Alexanders *ſouldier,* to be found in the faſhion of a fool; *being reſolved, in the diſcharge of duty, to ſeek dignity according to old* Strato's *direction,* by turning my back on the riſing Sun; *and withſtand* S. Peters temporizing (*to the ſtumbling of the weak, and ſtrengthning of the wicked*) *unto his very face; for he will be found worthy to be blamed. Let mens ſpirits be compoſed, the caſe of conſcience be candidly diſcuſſed, the bond of the Covenant be by right and religious reaſon diſcharged, none ſhall more chearfully ſubmit than my ſelf; but if the Covenant* be ſleighted *as of no uſe, by Jeſuitical Sophiſms* made void; *by violence* violated, *or by falſe gloſſes and interpretations* evaded; *faithfulneſſe unto it, and the zeal of a Miniſter* (*bound to ſpeak in Gods Name, that his anger may be ſilent*) *and love and loyalty to King and Kingdom* (*ſtudious of what may*

Anſwer to the Remonſtrant. *p.* 30, 31.

profit

profit more than please) *will constrain an out-cry, and constant call*, Oh regard the Covenant; the Solemn League and Covenant!

The degrees of reformation obtained, before this Covenant was made, were matter of joy to the Church, and ground of praise to God, but not of content and full satisfaction, *whilst higher degrees were desirable, and to be pursued; and though we now should obtain another step to what we then had, but yet, not only short of, but inconsistent with the degree* covenanted or sworn; *I deny it not to be* materially good, *yet cannot but judge it to be a* formal evil. *I fear* a breach of the Covenant, *unless we can find a* medium *between* perjury *and* non-performance (*quoad captum*) of the thing sworn to God. *I can chearfully embrace every degree of good, but not triumph in that good which falls short of engagement unto God*; Reformation *is not more joyous, than the* retrogradation thereof *is grievous to a serious spirit; that the child stick in the birth is dangerous, but its return into the womb is so apparent an hazard to mother and child, it admits no moderation in midwife or assistants, but provoketh earnest and utmost diligence for delivery. I tremble to think what may yet become of the Reformed Churches, if* Englands *reformation after so long and sad travel be returned backward, and that* against the strength of a Solemn League and Covenant. *I pray God we be not courted into the* Cassandrian accommodation, *into which* Englands *Prelates could not cudgel us. It bodes no good, when sacred Oaths are conceived to be Court-complements, State-stratagems to be once used to effect a present design, & so laid aside to be no more regarded, or like riders knots, with which men at pleasure play fast and lose.*

I am not so rigorous as to extort the sense of an Oath beyond what its genuine construction will bear: nor can I allow a signification more laxe than the scope, Grammatical expostion, and Logical resolution of the words will admit. Some wits can

find,

find, or rather fancy ſtarting-holes in the ſtricteſt and plaineſt bonds, Proteus-*like, turning any thing into any ſhape, thereby thinking to ſpeak the weakneſs of an Oath, they ſhew themſelves notoriouſly wicked.*

——— Mille adde catenas,
Effugiet tamen hæc ſceleratus vincula *Proteus.* *Hor. lib. 2. Satyr. 3.*

But the words of this Covenant are plain and clear to every common capacity; and in no part more clear than in that under preſent controverſie (viz.) Reformation of Religion, *wherein the* Word of God *is made the lanthorn to direct our courſe; and* beſt Reformed Churches *our lanched boighs to detect our dangers in every time of Doubt: In the evils to be removed, that which might occaſion the greateſt doubt, is made moſt plain by the deſcription of the object and denomination of the act. The* Object *is expreſſed by a term* Prelacy, *though general in its ſignification, yet by long and common appropriation, as obvious to vulgar capacity to denote a ſpecial kind of government in the Church, as* tyranny *in reference to the Common-wealth: Yet it is reſtrained by a more particular denomination* Hierarchy, *holy government by the order of holy high* Prieſthood *(as ſome do fancy) and ſpecifical deſcription by its enumerated ſubſtantial parts,* Archbiſhops, Biſhops, Deans, Deans and Chapters, *in which it formally exiſted; and ſeparable adjuncts,* Commiſſaries, Chancellors, and other Officers depending thereupon; *ſo that theſe not in* ſenſu compoſito (*that the removal of any one Officer might ſuffice) but* complexo, *the Government conaining all or any of theſe, is the object ſworne againſt, appears to every unprejudiced Reader: and ſo it ſquares with the Act expreſſed by the moſt ſignificant word which could be deviſed, viz.* Extirpate; *which certainly every ordinary reader knoweth to amount unto more than* mutation, (*by diſmembring ſome ſepa-*

rable adjuncts thereupon dependent, as Commissaries or Chancellors, *or by* limitation and regulation, *which yet makes the Bishops holy hands essential to all acts of* confirmation *of Catechumenists, or* Ordination *of Ministers, or* Jurisdiction *in the Church, though there be never so many grave, learned, and pious Presbyters and Pastors: a few of whom may be his* Lordships Council, *without any intrinsecal authority in themselves and without him; whilst all men know to* extirpate *signifieth,* una cum stirpe evellere, *to pluck up by the very root. In this point if the words of the Oath were not sufficiently clear, and the Lawyers rule,* Lex currit cum praxi, *may point us to a Comment. The* Petition *opposed by the* *Remonstrant, *defended by* Smectymnuus, *presented to the* Parliament, *the* debates, *many speeches and* resolves *in the Houses which preceded and produced the* advice *of the Assembly of Divines,* Ordinances of Parliament, *and* Oath *of His most Sacred Majesty as* King of Great Britain, *in pursuit of the Covenant which ensued upon the swearing the same, hath written this sense in such legible Characters, that all may run and read it. And although I would not require any thing more, I can take nothing lesse (because God alloweth no abatements in an Oath) than what hath been sworn, though it should appear good and profitable, but not necessary,* necessitate precepti divini.

*Bishop Hall.

Reasons of the present judgment o the University of *Oxford*, concerning the Solemn League and Covenant. *Sect.* 7 *p.* 21.

However others may flagge and faulter, or fall off from the Covenant, I must tell the assertors of the Presbyterial Government, *that if they have* no conscience, *they are hedged into the observance of it on the account of* Credit: *for the University of* Oxford (*as with them combin'd to their reproach*) *from the Jesuites and Sectaries, hath charged it* to be their property, to swear one thing in their words, and in their own sense to mean another; to invent Oaths and Covenants for the Kingdom, dispence vvith them vvhen they please; swear and forswear, as the wind turneth, like a godly,

ly Presbyter: *which if any of them will dare to veriſie, they ſhall give me leave to mourn alone for their iniquity: for (by Gods grace) my ſoul ſhall not enter into the ſecrets of an Art ſo ſinful and ſhameful before God and men; but ſtudy that Rule,* Be vviſe as Serpents, but innocent as Doves.

Courteous Reader, I have held thee too long in the threſhold; I ſhall ſtay thee no longer ſave to tell thee, if in any thing I ſeem indiſcreet, it is in venturing ſomething of Anſwer to the Reaſons of the Univerſity of Oxford *(which every ſimple Anti-covenanter, and ſcurrilous Pamphleter (not able by the leaſt Caſuiſtical conſideration to diſcharge the Covenant) do revive, and run into as the Gordian knot, never to be looſed; and to which my Antagoniſt Dr.* Gauden *(beaten out of his own Divinity) doth retreat as to his impregnable Caſtle of confidence) which may indeed ſavour ſomething of arrogancy, in any ſingle opponent, by whoſe over-matched weakneſſe the cauſe may ſuffer: Give me leave to tell thee, the dread hereof hath ſmothered in ſilence what is now drawn out by the reputation of* unanſvverable Reaſons *they have received amongſt the enemies of the Covenant. I cannot live by an implicite faith, but in a caſe of conſcience muſt examine the conſiderations of the moſt learned Society. General Councils are more authoritative and authentick than any ſingle Univerſity; yet they have erred, and their errors have been detected by ſingle perſons. And how fooliſh ſoever I may ſeem, I have ſo much wit as to know,* Timidi & ignavi nunquam erigent Trophæum, *Honor attends not Daſtards. And again,* Trophæum ferre me à forti viro pulchrum eſt; ſin autem & vincar, vlnci à tali nullum eſt probrum. *It is an honor to* Scanderbeg *to beat, not any ſhame to be beaten by the numerous Turks: If I be vanquiſhed by their more learned pens, it can be to me no diſgrace, nor to truth any great dammage, whilſt my being over-poured in ſo good a cauſe, will engage*

more able men, (who have any zeal for, or conscience of the Oath of God which lieth on us, our King, and Kingdom) to appear for the relief and defence thereof: In expectation of which, I cast my self on thy candor and ingenuity,

Zach. Crofton.

ΑΝΑΛΗΨΙΣ ΑΝΕΛΗΦΘΗ;

The Faſtning of St *Peter's* Fetters.

OR,

The Solemn League and Covenant, and its Conſcience-binding Power Aſſerted and Vindicated, &c.

in an Epiſtle to the Right Worſhipful Sir *Lawrence Bromfield* Knight, and Colonel in *LONDON*.

The PREFACE.

Right Worſhipful,

IF (without ſuſpition of blaſphemy in irreverence towards Sacred men and Sacred writ) I may purſue Dr. *John Gauden's* Metaphor, I cannot but tell you, mens prophane *neglect and contempt* of the Covenant did not a little perplex me; but that *Solemn and Sacred Oaths* ſhould be deemed St. *Peters Bonds*; and that *Proteſtant Divines* (dreaming of an Apoſtolical Priority) ſhould by *Popiſh Arguments* attempt his Releaſe to the Re-eſtabliſhment of the *Papatum alterius mundi* (as it was, is, and muſt be owned) of *Epiſcopacy in Lawn ſleeves*, exerciſing *Paternal Authority* over their brethren, *as the peoples * equals and inferiors, becauſe in black coats*, did much more afflict my ſpirit.

Dr. *John Gauden's* Analyſis of the Covenant. p. 17.

Sir, in ſence hereof, I did ſend out my *Analepſis* after the Doctors *Analyſis*; and made bold to *withſtand St. Peter to his face*,

face, for he was to be blamed, and indeed *condemned* (as * the word in *Gal.* 2. 11. doth signifie) and brought him back to prison (it must be so esteemed) with silence hearkning for his joyful songs under Christ his Masters yoke; and in those holy Stocks: and resolved submissively to wait on God, to perfect the peace and purity of his Church in *England*, and plead the quarrel of the Covenant; but the *Grating Files* of some (more willing than able to dismiss my prisoner) have disturbed my rest.

* κατεγνωσμένος.

Truly, Sir, I love St. *Peter* better in Bonds than in the Popes Lordly Chair, and was never yet reputed a Sceptick, and therefore cannot now brook to have my *Analepsis* out-run, and derided with an ἀναλημψία, a scornful escape from my due and diligent pursuit; and therefore must once more make bold, under your Worshipfull name, to send this *Ahimaaz* after *Cushi*, though on the same errand; whereunto I am no little encouraged, for that the * *Doubts and Scruples concerning the taking the Solemn League and Covenant*, which are by the Doctor (my Antagonist) and his Nephew *No-body*, commended to my consideration, hath done me the *honour* to couple you with me; and you the *honour* as to tell the world, you abide as stedfast in the *Covenant* as they found you in their first assaults.

1 Sam. 18. 23.

* Book so called.

Noble Colonel, I will not fear to be (in my place) your Second, under so holy an Ensign as is the *Solemn League and Covenant*; nor once doubt your courage in so good a cause, which I wish may appear in Common-Council, not Champian-Fields: For Sir,

——Tutius est contendere verbis,
Quam pugnare manu——

Sanctified words uttered from a sound mind, may subdue prophaneness, and settle His Majesties Throne in *Righteousness*, and no way disturb the peace of these too long distracted Nations: rather than which, I desire never to put pen to paper.

Sir, Since my answer to *Dr. Gaudens Sense and Solution of the Covenant*, many Pamphlets have started into the world, to raise a dust, and make a noise in the streets, that the Vulgar may think something may be said against the Covenant; but when they

they come to be conſidered, they appear like the Apples of *Sodom*, or out-cries of affrighted women, who cry, *Stop, ſtop, Hold, hold*; but cannot ſtretch one hand whereby to hold or ſtay the purſuit.

A Rejoynder to Mr. *Rowland's* Reply.

The firſt of theſe was *John Rowland*, a right Sir *John Suckling* in his pretended *Reply to the Anonymous Anſwer to the Doctor*, wherein, more like a *Sir John Country Curate* than *Rector of Footſcray in Kent*, he anſwereth all matters of moment as to fact or notion, as if to a *Quis fuit hic ſepultus* in his Church-yard, with *I know not*, *I cannot tell*, *I have not read*, *I have not the Book*, and the like; meriting to himſelf Ignoramus Motto, *Per verbum Neſcio Reſolvitur omnis queſtio.* Yet he giveth *Mr. Croſton* (the meaneſt dwarfe, but) in his monſtrous eye the *Goliath of the Covenanters*, a moſt capital Confutation: Like a well-skill'd pick-pocket, writing his name in ſuch *Capital Letters*, that men may run and read, and ſucklings ſtand ſtill and gaze at them: but throughout his whole Book medleth not with him or his Anſwer, and therefore my Rejoynder to his Reply muſt be that of Sir *Thomas Moor* to the ſilly Frier,

Tu bene caviſti ne te ulla occidere poſſit
Litera; nam tota eſt litera nulla tibi.

Thou tak'ſt good care the Letter kill thee not,
Thy skill is ſuch thou know'ſt not *B* from *Bot.*

But yet in fine, by a *Hocus-Pocus* Poſtſcript, he conjured Mr. *Croſton* into a Synonimy with *Anonymus*, and profoundly concluded, *Anſwer one, anſwer all.*

Mr. *Ruſſel's* diſcharge diſcharged.

The next was a paper of the like ſtamp, but more immediately directed unto me, yet not to any thing of my Arguments; This was, *The Solemn League and Covenant diſcharged*, by John Ruſſel *of* Chinkford *in* Eſſex: This man pretends not onely to *looſen*, but to *annihilate St.* Peters *bonds*; and for his ſtrength and skill, was atteſted by *John Gauden* D. D. and yet he medleth not with one of thoſe Arguments he pretendeth to diſcharge, but ſtarts a new notion; which, becauſe it ſo well pleaſed the Doctor, ſhall (though not worth it) come in its place to be conſidered: I owe

this

this man thanks for his good opinion of *the modesty and perfection of my answer*, which he saith, was onely defective in point of memory, for that *I did not remember the Kings concessions which were voted a ground of peace, were with continuance of Episcopacy*; but by his leave I remembered it, though my Argument led not to repeat it; and though he seem to forget, I remember the *Concessions* were to suspend *Episcopacy*, and the *Liturgy*, and admit *Presbytery and the Directory* for three years. To him I say then,

In his Epistle.

Turpe est doctori, cum culpa redarguit ipsum.

He so calls it himself in p. 8.

And wish him, who so minds my memory, to look well to his Intellectuals: For, the last *qualm of sadnesse* made him half mad, to rage and rave, That *Mr.* Crofton *had urged the Ligne de Saint in* France *as the President of the Covenant*, who onely rescued the Covenant from the *odium* of that comparison cast upon it by the Doctor, and that, by the same Argument which himself granteth, (*viz.*) *That though the Lignae Saint were sinful in the matter, yet it was lawful enough in the abstracted form of it.* And here also he rampantly braggeth, that he could *produce an hundred precedents to square with the conditions of the times when the Covenant was taken*; which, considering the Religion professed, the Kingdoms confederated, the Reformation pursued, the Authority directing it, and the like; if he find ten of his hundred I will go to *Bedlam*, on condition he lie there till wise men discern the parallel. The common out-cry of others is, *The like time was never seen*; but this was to *ease his mind*, as himself professeth.

The Bastardy of the League Illegal.

The third was the Spurious *League Illegal*, falsly fathered on Dr. *Daniel Featly*, by the dignity of his name to deceive the world; but the feature of it is every way unlike a man so acute and Logical as was this Doctor, as is evident in its *arguing idem per idem*, in the 8 and 11th Arguments, *generals from particulars*, Argument 8. *pag.* 26, its *Contradiction* to the Doctor, who, in his Epistle to the Parliament, prefixed to his *Dipper Dipt*, denominateth the two Houses *Beauty and Bonds*, and owns the Commons as *Legislators*, the Lords as *Executors*, and determined their War, *A repairing the Temple with their Swords in their hands*:

whom

whom this Book (pretending to be written the ſame year with that Epiſtle) denyeth to be any *Lawful Authority*, and denominateth *fomenters of that unnatural civil War*; nay, it is *contradictory to it ſelf*, affirming, *No people may make a Covenant in any caſe without the Kings conſent*, in *pag.* 15. *Arg.* 3. and yet affirmeth, that in ſundry caſes *a people may covenant not onely without, but againſt the conſent and command of the King*, unto which I might add an heap of Non-ſence obſervable in it, as, *That the Covenant is not a vertue*, *for* Ariſtotle *ſaith*, *Virtus eſt habitus Electivus*, *pag.* 26. This piece looking aſquint at me, is loaded with ſuch railing language, that it ſeems to have come from beneath, and muſt be owned as *Dr. Featly's Ghoſt*, rai'd by the circle of his Executors fancy, to clear his way to preferment; it gives us arguments by *number*, not by *weight*; the force of any of them is in the *Oxford-Reaſons* (that fountain that feeds, and Fort that guards all exceptions againſt the Covenant) and ſhall in its place be conſidered. Page 20.

The fourth and laſt Pamphlet no leſſe ridiculous than the reſt, as ſcarce having a grain of true Religion, or a ſcruple of a Right Reaſon, is the *doubts and ſcruples againſt taking the Solemn League and Covenant*, publiſhed by an *aliquis Nemo*, a man in the Moon, and ſo like to be reſolved by *Nuper Nunquam*; but this is uſhered into the world at its * *new birth* by the learned Epiſtle of *Dr. John Gauden*, and is offered to the conſideration of Sir *Lawrence Bromfield*, and *Mr. Zachary Croſton*; and ſo makes the *Exchange* ring, and ſtreets roar with *Dr. Gauden's Reply to Mr. Croſtons Anſwer about the Covenant*, and ſo calls for regard, which otherwiſe was as fit ware for the Tobacco-ſhops as any the reſt. The doubts and ſcruples concerning the Covenant weighed.

* Being reprinted.

Truly, Sir, I could not read this Epiſtle without aſtoniſhment, for that *inſtead of thoſe clear, pregnant, and conſtant beams of right reaſon, and true Religion, which ſhineth with the brightneſs and ſtability of Divine and Human Laws; and might be the pillars of this truth, firm ſupport of duty, ſure bounds of obedience, and ſafe repoſe of conſcience*, which he promiſed in his *Analyſis*, and I demanded in my *Analepſis*; he doth *idem iiſdem verbis aſſerere*, affirm the ſame thing *without diſtinction*, in the ſame terms *without variation*, or other demonſtration; onely, (as having obtained his fancied *paternal authority*)

rity) he doth something more Magisterially prescribe the *performing of the Covenant against Schism* (which he would have us take on his word to de *Presbytery*, to which Doctor *Usher* would have reduced Episcopacy) *and Superstition*, *before we consider its obligation against Episcopacy*; and in a grave passion, brandeth the Covenant, (himself hath sworn) with the Epithite of a *lawless unnational Covenant*, and stigmatizeth the exactors thereof as *covetous crafty men*, *engaged in the sacrilegious depredations of the Church*, *and unstable souls*: Which can not be found in me: My 81. *per annum* will not more acquit me from the one, than my Sequestration for adhereing to the Covenant, will acquit me from the other. But he addeth, *Or silly souls*, and such an one I may be, yet will play the fool in glorying in such *godly simplicity*. In this heat he chargeth all *Civillians and Casuists* with *foolish and fanatick Superstition*, as well as *mad and violent Schism*, in teaching men to *avoid what is good*, *honest*, *just*, *and lawful*, *because of a supposed and confessed abuse thereof*: Not so much as favouring *Hezekiah*, who demolished the *brazen Serpent*; nor *Paul* in his resolution, *never to eat flesh in his future diet*. We may be assured he will never be so *superstitious or schismatical*, *as to cut off his right hand*, *or pluck out his right eye*, (which are good, honest, just, lawfull members,) in case they offend him, though the Lord Christ himself hath so directed.

But, Sir, with what face think you can Dr. *Gauden* again urge against the Covenant *the defect of Authority*, *its sad effects*, *the obscurity*, *ambiguity*, *and seeming discrepancy of the Covenant*, for the discharge of its obligation, whilst he hath been fully and soberly answered as to these things, and hath made no Reply? How is it that he presseth forward his Episcopacy without distinction? and yet I have told him there is *Papal Episcopacy* to be extirpated, and a *Presbyterial Presidency* (pointed unto them by the Primate of *Armagh*) to be advanced. Knoweth he not, *qui bene distinguit bene docet*? Or doth he disdain to take truth from so mean an hand? He is *a Minister*, so am I, though my poor estate, numerous family, or want of the Kings grace, will not allow me to write D. D.

But seriously, Sir, though *Popish* do, me-thinks *Protestant Bishops* should not disdain a Reformation in a *Luthers* hand: Let him

him then consult Dr. *Sanderson De Juramento*, and if he square with, or I differ from his Divinity, let him be *hum'd*, and me be *hist*, & *contra*. I believe he would not have us think him so ambitious of his Episcopal See (to which some say he is promoted) as for it to *break his Covenant*, and *brow-beat his brethren*, and rage against the Oath of God with *à non amote*—— and being demanded a reason, can say no more than *Non possum dicere quare*. Sure he is not so stout a Sophister as to pass the *premisses*, and stand to the denial of the *conclusion*. If he have attained to a *Papal-Episcopal-Chair*, I hope he will not pretend to the *Infallibility of it*, and bind our faith on his *ipse dixit*. Verily, Sir, I cannot but say to the Doctor, concerning his Analysis and this Epistle, as *Erasmus* to *Faber* of *Vienna*,

Mente cares, si res agitur tibi seria; rursus
Fronte cares, si sic ludis, amice Faber.

Whether he be *proudly mad*, or *foolishly pertinacious*, I will not judge, but must yet call on him *to remember the Covenant*, and consider from whence he is fallen, and repent. He had need to run to the common Refuge, the *Oxford Reasons*; but it is well if they prove not a broken Reed, more to wound than defend him.

Sir, notwithstanding these and the like Squibs and Crackers flung out against the *Solemn League and Covenant*, to make prophane men sport, and expose it to vulgar scorn more than satisfie conscience, the Covenant keeps the field in its full force and vigour, and St. *Peters bonds abide*. I shall not therefore waste time and paper to trace their follies, and tire my Reader with an answer to *words without weight*; but in the pursuit of (the *edification of souls*) the end of my Ministerial Writing, as well as Preaching, *Fasten St.* Peters *Fetters*, and secure my Prisoner by a Chain made of those Seven Links or Propositions, which, being cleared and confirmed, will extend the influence, and enforce the obligation of the Covenant, against that prophane opposition which is made unto it, (*viz.*)

1. *The asserting of the Solemn League and Covenant, and its obliging force, is a duty indispensably incumbent on every man in*

his place; but especially on the Ministers of the Gospel.

2. *The irregularities in first making the Covenant will not discharge its obligation, now it is made and sworn.*

3. *The matter sworn in the Solemn League and Covenant is just and lawful, to be maintained and pursued.*

4. *The form and manner of making the Solemn League and Covenant was good and allowable.*

5. *The Ambiguities and Contradictions of the words in the Solemn League are imagined, and not real.*

6. *The Covenant in its quality, and for its obligation, is publick and National, as well as private and personal.*

7. *The Solemn League and Covenant is in the nature of it permanently binding, and no way to be absolved or discharged.*

Of these then particularly, and in their order. And first of the first of them.

Sectio Prima.

Proposition. *The asserting of the Solemn League and Covenant, and its obliging force, is a duty indispensably incumbent on every man in his place, but especially on the Ministers of the Gospel.*

WHilst we consider this Proposition, and frame this Link of our Chain, we must take the Covenant in its *abstracted form*, as it is a *Solemn Compact confirmed by an Oath*, in which God is witness, or party, or both. And at present take it for granted, that the matter of it is *true, just, and lawful*; which yet will hereafter in its appointed place be discussed.

And as such, I say the *asserting of the Covenant, and its obliging force*, unto the exacting of performance, and rebuke of negative or positive breach of it, in not doing, or in doing contrary to what is covenanted, *is a duty indispensably incumbent on all men in their places, (viz.)* in their publick or private capacities, wherein they are to express themselves, and expect others to be acted (as men and Christians) by the dictates and directi-

ons

ons of conſcience; in order whereunto, the *Covenants* in which they bind themſelves each to other, or joyntly to God, as well as *divine counſel*, muſt be their compaſs, to guide their courſe paſt dangers and deſtruction.

Conform hereunto was the commendable carriage of *Gyth* the younger brother, but faithful Counſellor to *Harold* King of *England*, who conſidering the ſtate of the Quarrel between him and *William Conqueror*, gave the King this warning, *In caſe you have made promiſe to* William *of the Kingdom, withdraw thy perſon out of the Battel; for ſurely, all thy forces ſhall not ſecure thee againſt God, and thy own conſcience, who will require puniſhment for breach of faith and promiſe.* Cambd. Brit. p. 149, 150.

Every man is, in charity, bound to be an Angel to an unmindful *Jacob*, in point of his vow to God, and Monitor to his back-ſliding brother; but it *eſpecially belongs to Goſpel-Miniſters*, who being Gods *Watchmen againſt ſin*, and his peoples *Remembrancers unto duty*, are not onely by *common Charity*, but alſo by *ſpecial Office*, bound to give warning againſt approaching evil, contracting guilt, and impending judgments of God; and that as they will acquit themſelves from the blood of thoſe immortal ſouls, who ſlip into, and periſh by their ſin. On this account the word of the Lord cometh unto his Prophets, with a *Say unto them, Thus ſaith the Lord, I will give the men which have tranſgreſſed my Covenant, which have not performed my Covenant, even the Princes of Judah, and the Princes of Jeruſalem, and Zedekiah the King, into the hand of their enemies*, *Jer.* 34. 18, 19, 20, 21, *&c.* And therefore the cenſure of being *contentious*, or danger of being caſt into priſon as *ſeditious*, and loſing all their comforts, muſt not deterre the Miniſters of God from coming to the King, and crying out in the Name of the Lord, *Shall he break the Covenant and be delivered, ſhall he do ſuch things and proſper, and eſcape? Ezek.* 17. 15. for in caſe of ſilence the ſin will be on their heads, and the ſtones in the ſtreet will cry out. Ezek. 3. 16, 17, 18, 19, 20. 33. 7, 8, 9.

This is a principle ſo common and clear, that none profeſſing Reaſon or Religion dare deny it; and the reaſon of it is written in ſuch legible Characters, that all may run and read it, (viz.) *The Covenant is an Oath, the higheſt appeal to God, who muſt not, will not be mocked, or made a witneſs to His own diſho-* The duty urged from piety towards God.

dishonour, but will punish the breach thereof as a most heinous sin. Therefore the Ministers of God (standing in his stead) must with all zeal exact the accomplishment of it, as the *practice of piety dependant on such a piece of worship:* Remembring God hath strictly charged, That *if a man vow a vow, and bind his soul, he shall not break his word, he shall do according to all that proceedeth out of his mouth*, Numbers 30. 2. So that in piety to God the Covenant must be kept, and its obligation be asserted.

2. Loyalty to the King.

Loyalty to the King is no little swasive to this duty; for that leads to all fidelity in discharges and prevention of every thing destructive and dishonourable to his Majesty; Perjury (most odious to God and man) is abominable in any, and most conspicuous in a Prince. Who can without dread remember the fierceness of Gods fury against *Zedekiah* for breaking the Oath, into which he was forced by the straitest Siege? Or, observe the *Odium* that abideth on *Albert* the Emperor, *Almerick* King of *Jerusalem*, *Uladislaus* King of *Hungary*, and the Christian-Princes, for breaking their Covenants with the *Turk*? and the obloquy indelible which lieth on *Eugenius* and *Silvester* Popes, and *Julian* Cardinal of S. *Angelo*, and the Order of Templars, for abetting and advising (by the same Arguments urged against our Covenant) the breach thereof? Can any true *English*-man, and Liege Subject, without horror call to mind the perjury of King *Harold*, which let in *William Conqueror* to our Land? and how King *John* was made odious, and deserted by this out-cry, *Withdraw your selves from a perjured King*, and not in sence thereof be stirred up with zeal to assert the Covenant? which broken, will load with shame, and subject to the displeasure of that God who can destroy both us and our King, so happily restored to each other.

True Loyalty is no less studious to establish the Kings Throne in Righteousness, than obsequious to the Royal expressions of His Pleasure: Yet to such as center Loyalty in the last, I would advise that they would seriously consider, That howsoever His late Majesty of Honorable Memory (for the conscience of his Oath) was acted by the misapprehension of the Covenant *to interdict it*; yet he was more sensible of its obliging force *when taken*, than to attempt the *discharge thereof*; and therefore in His Soli-

Solitudes He adviſeth His Subjects unto the *Keeping of the Covenant in all honeſt and juſt ways, as thinking the chief end of the Covenant in many the takers intention, was to preſerve Religion in purity, and the Kingdom in peace.* And as one under the awe of the Oath of God, chargeth His moſt Sacred Majeſty that now is, *That if God bring Him to His own on hard conditions, He ſhould be careful to perform what he ſhould promiſe.* And His moſt Sacred Majeſty, as a moſt obedient Son to a Father ſo piouſly prudent, having Himſelf ſworn *the Solemn League and Covenant, and the eſtabliſhment of it in all his Dominions*, by His Royal Declaration of *Auguſt* 16. 1650. from *Dumfirmling*, profeſſeth Himſelf *deeply humbled for His Fathers oppoſition to the Covenant; and that on full perſwaſion of the juſtice and equity of all the Articles thereof, He had ſworn and ſubſcribed the Solemn Leagne and Covenant of the three Kingdoms; and that he was fully reſolved (in the Lords ſtrength) to adhere thereunto, and to the utmoſt of his power, in His place and ſtation, really, conſtantly, and ſincerely, to proſecute all the ends thereof, all the days of His life.* And by His Royal Command doth conjure *all His loving Subjects who have ſtood againſt the Solemn League and Covenant, and work of Reformation, to lay down their enmity, proteſting to have no enemies to Him but the enemies to the Covenant; nor friends to Him but friends to the Covenant.* So that if *Loyalty* conſiſt in a *conformity to the Kings mind*, (as moſt Courtiers conſidering what may pleaſe, not what may profit, place it) the reſpect due to the memory of His late, and the dread we owe to His now Majeſty, muſt animate, and engage the aſſerting of the Covenant, and its obliging force? For no faithful Subject will dare to fancy, that either the one or the other, deſigned by theſe and the like expreſſions to mock God and the world.

The contemplation on the Covenant.

The love of our Country, and our own intereſt therein involved, is not the *leaſt ſpurre unto this duty*: For ſuch is the deep dye of perjury, that it *polluteth the Land*, and placeth it under the moſt direful of Divine plagues. The Heathen deteſt the breach of Oaths and Covenants, as that which driveth out of humane Society, and deſtroyeth men and their poſterity by moſt heavy plagues. *Juvenal* telling us of the ſad miſeries which befell *Glaucus Epicydes*, for the purpoſe of breaking his Oath,

3. The love of our Country.

Oath, which yet paſſed not into act, concludes,

Has patitur pœnas, peccandi ſola voluntas.

And *Herodotus* hereupon obſerving the improbable, impoſſible miſeries, which did overtake and ſubvert the very houſe and ſtock of the perjured, concludes,

At juramento quædam eſt ſine nomine proles,
Trunca manus, Trunca pedes; tamen impetus magno
Advenit; atque omnem vaſtat ſtirpemq; domumq;.

An unknown ſtrength from Oath there doth proceed,
Without running pace, or hands to do the deed,
Subverts the houſe, and makes the ſtock to bleed.

Hiſtorians obſerve *perjury* to have lien at the root of the *Holy War*, that it could never proſper; our own Chronicles conclude, *breach of Covenant* brought in the Conqueror, and the Barons Wars; and the Scriptures witneſs the *three years waſting Famine in Iſrael* to have been the fruit of *Sauls well meant breach of Covenant with Gibeon*, onely expiated by the extirpation of his Family. So that love to our Country, and our ſelves, as like to be ſharers in its calamity, which can onely be prevented by *paying the vows we made to God*, muſt quicken all men, eſpecially Miniſters, to cry, and cry aloud, *Remember, regard the Solemn League and Covenant.*

4. By the Bond of the Covenant it ſelf.

Unto theſe conſiderations the Covenant it ſelf addeth no little ſtrength, whilſt we have ſworn *not to ſuffer our ſelves directly or indirectly, by whatſoever combination, perſwaſion, or terror to be withdrawn from it; nor to give up our ſelves to a deteſtable neutrality, and indifferency, but in our places and callings to maintain it, and aſſiſt ſuch as enter into it*; whereunto the aſſerting of the Covenant, and its obliging force, is not the leaſt ſerviceable, nor moſt out of our capacity; it being all the places of the Miniſtry will allow them to do.

Theſe things conſidered, as I cannot but commend and rejoyce in the *aſſertion and exaction of the Solemn League and Covenant*

nant as to the *Civil* part of it concerning *our King and Kingdom*, which was expreſſed by the *Secluded Members* of the long Parliament, and by the *Miniſters of London*, and other Counties in their Pulpits, and *publick teſtimonies to the Solemn League and Covenant*, Printed with their names ſubſcribed, provoking their people to cleave to the Covenant; ſo I cannot but admire at their preſent ſilence, as to the *Religious* part of it, which concerneth *God, His Church, and Worſhip*: But I am much more amazed to ſee eminent Divines, *who have ſworn it*, not onely to ſleight the Covenant, but to ſtrain their wits, parts, and learning, by falſe Gloſſes and fooliſh Arguments, to make it void, and diſcharge its obligation, and to make up their defect of reaſon and Religion, by railing at, and in reproach of ſuch, who in conſcience of duty aſſert its obligation, coun ing them *troublers of Englands peace, ſpirits of contradiction*, acted by malice, as doth *Featly* in his Preface to his *League illegal*, or *ſilly unſtable ſouls*, (ſtanding ſtill, whilſt theſe run away) *urging the Covenant on private intereſts of profit, revenge, envy, and ambition*, and the like, as *Dr. Gauden* in his Epiſtle to the *Doubts and Scruples*, *&c.* I would pray theſe men to tell me in cold blood, and on ſerious thoughts, ſuppoſing, as I ſaid before, the Covenant to be a juſt, publick, ſacred, and lawful Oath, whether they think any that have *zeal* for God, *loyalty* to the King, and *love* to their Country, can ſee *Superſtition acted* to that heighth, as to make the Papiſts ſmile at the return of that ſimilitude to their worſhip of which they were wont to boaſt; and not barely an *Epiſcopacy* reſtored, but that very ſpecifical *Prelacy* covenanted againſt (in moſt expreſs terms) advanced, whereby the Covenant is not onely contemned, but openly contradicted, and yet be ſilent and not plead the Covenant? Or again, Is duty a proper turbulency? If onely ſuch by accident, muſt not Gods Miniſters contend againſt ſin, to prevent Gods contending by His plagues againſt the Land?

But, Sir, to conclude this Section, I would pray that our *Maſter-builders*, in the re-edifying of their *holy Fabrick*, (greatly delapſed and decayed) would vouchſafe to caſt their thoughts upon an Obſervation made by an Author (who can not but be) acceptable to them (*viz.*) Mr. *Thomas Fuller* Prebendary of *Sarum*, who in his *Holy War*, caſting up the cauſes of that ſad Cataſtro-

phe of so hopeful and honourable an undertaking, reduceth the *summa totalis* to *superstition and perjury* (usual concomitants) and on the last he thus glosseth:

Fullers Holy Warre, lib 5, c. 11. p. 248.

'*How could safety it self save this people*, and bless this pro-
'ject, so blackly blatted with perjury? (how then should their
'Watchmen be silent?) a sin so repugnant with moral hone-
'sty, so injurious to the peace and quiet of the world, so odious
'in it self, so scandalous to all men, to break a League when con-
'firmed by Oath, (the strongest bond of conscience, the end
'of particular strife, the Souldier of publick peace, the assurance
'of amity betwixt divers Nations; made here below, but en-
'rolled in his High Court, whose glorious Name doth sign it) a
'sin so heinous, that God cannot but most severely punish it.
'*David* asketh, *Who shall dwell in thy holy hill*? and answereth
'himself, *He that sweareth to his neighbour and disappointeth*
'*him not, though to his own hindrance.* No wonder then, though
'the Christians had no longer abiding in the holy Hill of *Pa-*
'*lestine*, driving that Trade wherewith none ever yet thrived,
'*the breaking of promises*, wherewith one may for a while fair-
'ly spread his train, but will melt his feathers soon after; the
'Fabrick must needs come tumbling down, whose foundation
'is laid in perjury.

Surely, Sir, such as *affectionately* believe this doctrine, cannot but *passionately* apply it, to cry aloud, and not spare, Remember the Covenant. I grow, Sir, not a little suspicious, that the last stratagem of the Propogators of the Catholick Cause, is by their Jesuitical Sophistry to strike *England* into the guilt of *perjury*; and then to blaspheme our Religion, and deride our Nation, as did *Agesilaus* the *Grecian* Captain in his answer to *Tissaphernes* the *Persian*, breaking the League he had made with him, *I give you no small thanks, for that by your perjury you have made the gods angry with the* Persians, *and favourable to the* Grecians.

Sectio

Sectio Secunda.

Second Propoſ. *The irregularities in the firſt making the Covenant, will not diſcharge its obligation now it is made and ſworn.*

WHilſt we conſent unto the common concluſion of the *Canoniſts*, That *Juramentum non eſt vinculum iniquitatis*, *An Oath muſt not be the band of iniquity*, and commend to all men their counſel, as indeed a duty, *In malis promiſſis reſcinde fidem*, *In promiſes of evil make no conſcience to keep*, *nay, make conſcience to break your faith.* Yet we muſt conſider, and warily diſtinguiſh between the *rem juratam*, and *actum jurandi*, the *act* of ſwearing, and the *matter* ſworn: For in reſpect of the laſt of theſe, the Rule is to be underſtood, and the obligation to performance doth thereon depend: Such is the reverence of an Oath to all men, *Heathen or Chriſtian*, that raſhneſs and irregularities in obtaining and actually paſſing the Oath, would never be admitted as ſufficient to diſcharge its force.

The Rule of the School-men received by all Caſuiſts and Civilians, muſt here be obſerved, *Juramentum promiſſorium non poteſt diſpenſari ſecundum ſe, ſed tantum ratione materiæ indebitæ*: *A promiſſory Oath cannot be diſcharged by any reaſon, but the unlawful matter of it.* And hereupon it is agreed on by all Divines, That *the ground* on which an Oath ſhall loſe its force *muſt be intrinſecal* of the body, ſubſtance, and matter of the Oath; not *extrinſecal*, and acceſſory to the Oath. It muſt be the *ſinfulneſs* of the thing, and matter *ſworn*, not the *circumſtances* converſant about the act of *ſwearing*, which may be ſinful, and muſt be ſhunned, but avail not to diſcharge the Oath when taken. Well doth the *Oxford* Profeſſor diſtinguiſh, and tell us, They are two ſeveral queſtions to be diſtinctly reſolved according to the condition into which a man is caſt: The one is an *hoc vel illudi juramentum ſit licitum*, whether the Oath be lawful? And the other an *Juramentum hoc vel illud obligat*, whe-

Tho. Aquin. par. 22 æ quæſt. 89. Art. 9.

Senderſon *de Juramento.*

whether the Oath do bind? For that Oath may be *unlawfully ſworn*, which muſt everlaſtingly bind when ſworn. That ſin is to be avoided in entring into a Covenant or Oath, which may be repented of without retraction of the Oath when ſworn: The Name of God too many times is (though it ought not to be) taken in vain by *raſh ſwearing*, yet muſt not be blaſphemed by *forſwearing*.

An Oath is an obligation ſo ſacred and permanent, that many conditions are required unto a regular acting of it. At firſt it ſhould be the act of a deliberate, not diſtempered mind; not the effect of a diſtreſſed condition; clearly propounded, and rationally received, not obtained by fraud, nor impoſed by force: But where, in any, or all theſe, and the like, there is a defect, and diſorder, or miſcarriage, that men with *Jeptha* raſhly ſwear ſuch a general Oath, as may rob them of the deareſt of their delights when it comes to performance: Or with *Zedekiah* be beſieged by Warres without, and Tumults within; to covenant, and confirm by Oath, conditions diſhonorable and burdenſome: Or with *Joſhua and the Princes of Iſrael to the Gibeonites*, ſwear beyond their intention, and almoſt the import of their expreſſions, there being an apparent fallacy in the foundation, and procuring cauſe of the contract; yet in theſe and many the like caſes the rule is moſt certainly to be admitted, *Quod fieri non debuit, factum valet*, theſe things ought not to have been done, but being done, do bind the conſcience.

I wonder how men can preſs this Rule in caſe of Baptiſm by Women, or Children, and Lay-perſons, (in whom I humbly conceive it cannot hold) and not regard it in an Oath, whoſe nature is ſuch as adminiſtreth a Reaſon for this Rule, and makes it neceſſary.

Many inſtances in ſtory might be given to amplifie this poſition, but (leſt I ſhould ſeem to leave the Road without Reaſon) I ſhall onely offer the example of the Covenant with the *Gibeonites* for the clearneſs of its demonſtration commonly produced by all Caſuiſts in this very caſe. *Grotius* out of *Ambroſe*. noting the ſurreptitious fraudulent obtainment thereof, doth note, *Deceperant à Gabaonitis à regione longinqua ſe venire fingentibus; Joſua tamen pacem quam dederat revocandam non cenſuit; quia firmata erat ſacramenti Religione, ne, dum alienam perfidiam*

Grotius de jure belli & pacis, lib. 2. cap. 13. p. 220.

arguit, ſuam ſide n ſolveret. The Tranſlation of which I ſhall offer by a reverend Biſhop (moſt acceptable to our Anti-covenanters) who chargeth this deceit to have been the juſt effect of their ſinful neglect to conſult the Oracles of God; and ſaith, 'The facility of *Iſrael* led them into a League and Oath for the 'ſafety of the *Gibeonites*; and now, within three days, they find 'their neighbourhood and dece t. *Joſhua* might have taken ad-'vantage of their own words to diſſolve this League, and have 'ſaid, Ye are come from a far Country, theſe Cities are near; 'theſe are not therefore the people to whom we engaged by our 'promiſe or oath: and *Iſrael* had put in a direct Caveat of their 'vicinity; ſo that it might ſeem queſtionable whether *Joſhua* 'needed to hold himſelf bound to this Oath; yet dare not *Joſhua* 'and the Princes truſt to ſhifts for the eluding of this Oath, but 'muſt *faithfully perform* what they had *raſhly promiſed. Joſhua's* 'heart was clear from any intention of a League with a *Canaa-'nite*; he gave his Oath to theſe diſguiſed ſtrangers, yet he durſt 'neither Repeal it himſelf, neither do I hear him ſue to *Eleazer* 'the High Prieſt to diſpence with it; but taketh himſelf tied to 'the ſtrict words of his Oath, not to his own purpoſe: his tongue 'had bound his heart and hands, ſo as neither might ſtir; leſt, 'whilſt he was curious of fulfilling the Will of God, he ſhould 'violate the Oath of God.

Joſh. Hall Biſhop of *Norwich.*

Halls Con'emp. p 918.

But, Sir, how diſſonant to theſe dictates of this Reverend Father are thoſe ſons of the Church? who ſtrive for a *Biſhoprick* by ſinful caſting off the Covenant on a protended *inadvertency in ſwearing* it at firſt, and putting on it a ſenſe agreeable to their purpoſe, which is repugnant to the plain and expreſs Letter of the Covenant in the point of *Epiſcopacy*; correcting their infirmity *graviori peccato*, with a more grievous impiety, mending *raſh ſwearing* by *plain perjury*, and after a *ſober admonition and refutation* pertinaciouſly retain their reſolution, by publiſhing the very ſame pleas for breach of Covenant, and braving it to the world with a bold aſſerting, *No ſacred Oath or Promiſe can bind the ſoul of man from its juſt freedom, which is rational, civil, moral, legal, and religious; nor can it be bound to execute or fulfil any ſuch, when it is willingly, or by inadvertency, or malice, formally engaged by them*, but *not really to them.* I wiſh, Sir, that this Doctor would attend Doctor *Halls* Diviſity

Dr. *Gaudens* Epiſtle to the doubts and ſcruples about taking the Covenant.

vinity with as much diligence, as he ſeems to me to affect his Dialect.

What a *prepoſterous and immethodical courſ* do the Divines of our time take to diſcharge the obligation of the Covenant, by *ſcandalizing* the ſame *with the irregularities which attended the firſt taking of it*? That many miſcarriages occaſioned by the commotion and turbulency of thoſe martial days, (in which it was digeſted and propounded to the people) did accompany the Covenant when tendred and firſt taken, I can eaſily conſent; but not *ſo great* as they ſeem in the multiplyidg-glaſs (of paſſion and prejudice) by which they are now ſuggeſted, much leſs were they ſo great as *to diſcharge the bond of it*. I confeſs the Covenant ought not to have been the effect of *Scottiſh importunities, or Engliſh compliances*, nor to have been brought forth *by the midwifry of tumults, and engaged enraged Armies, parties, and factions*; nor its convictions and perſwaſions to have been *by ſequeſtrations and impriſonments*, as Dr. *Gauden* in his *Analyſis* ſuggeſteth; but I (on grounds urged in my *Analepſis*) cannot yield it was; yet grant it, will theſe things avail to the diſcharge of its binding force, and make it void? Nothing leſs.

League in the Illegal.

Nay, Sir, ſhould I conſent and ſubſcribe unto the verity of the Arguments urged by Dr. *Featley* his Ghoſt, and admit (what I ſhall hereafter deny) 1. The ſuppoſed Soleciſm and miſtaken order of the words in the Covenant. 2. The ſuppoſed end and aim of the Contrivers of the Covenant. 3. The wants of authority in the Impoſers. 4. The ambiguity and ſeeming contradictions of many expreſſions. 5. That many took it not in Truth, Righteouſneſs, and Judgment. 6. That it wants warrant in Scripture, and is onely bottomed on the baſis of Natural Policy. 7. That it is derogatory to *Englands* honour. 8. Taken without important cauſe, and urgent neceſſity; and ſo was faulty in theſe and the like circumſtances, which call for Repentance in Impoſers and Takers; yet it muſt be a Soleciſm in Divinity to awake this book, and ſend abroad theſe exceptions againſt the Act of making and ſwearing the Covenant, in hope that a review of them may make us *repent and be wiſe, and to confirm men* (the Apoſtates) *in their* (averſion, pretended) *converſion from the Covenant, and draw others from it by the ſtrength of conviction.*

I will grant his Maxime, *Deliberandum eſt diu quod ſtatuendum eſt ſemel.* And though I believe the determination of the Covenant was on due advice) yet we will conſent unto him to repent and confeſs *theſe miſtakes:* But I muſt tell his Majeſties Chaplain, that Dr. *Sanderſon* will not upon all this give us leave to caſt off the Covenant, but conſtrains our conſciences to revive it. *Juramentum de re non illicita, ſit aliunde illicitum, ex aliquo externo defectu, & propter aliquam indebitam circumſtantiam reſpectu actus jurandi, poſſit obligare jurantem, ad implendum quod promiſit.* *An Oath lawful in the matter, unlawful in external, undue circumſtances in the act of ſwearing, binds to accompliſhment.* Sanderſon *de juramento prælect.* 2. p. 55.

This, Sir, hath the more influence upon me, becauſe it is *Oxford Divinity*, conceived to be read on the occaſion of this Covenant. We confeſs with *Auguſtine*, *David juravit temere, ſed non implevit majori pietate. David ſware raſhly, but with piety repented and retracted*, becauſe the *matter*, ſelf-revenge in *Nabal's* ruine *was wicked*: Which is not our caſe, when the matter of the Covenant appears to be manifeſt ſin, we muſt retract it; till then we will repent *raſhneſſe, unadviſedneſſe in the act*, but retain its obligation, leſt we patch up ſinne by ſinne.

Now I deal with His Majeſties Chaplain, may I, Sir, make bold to whiſper another notion of Divinity in his ear; he may have occaſion and opportunity to uſe it: Sir, it is this, That a *Peoples impoſing on their Prince*, and binding him to terms, and *bringing him under an Oath*, not onely for themſelves, but all their fellow-ſubjects: in all or any the Kings Dominion, (for which act the *Scots* are much cenſured, and could I have adviſed, ſhould have been more innocent) *ſavours ſomething of diſorder, tumult, irregularity, and vulgar violence.* And yet *Grotius* determines (the matter being lawful) *it obligeth the Prince ſo ſworn*; becauſe God is invocated, and the King was voluntarily ſubjected. Though he doubt the power of Co-action of a Princes performance by men, yet he affirms the obligation befor God: His concluſion is this on the diſcuſſion of the Queſtion, *Dicimus ergo, ex promiſſo & contractu regis, quem cum ſubditis iniit, naſci veram ac propriam obligationem, quæ jus det ſubditis*: *The promiſe or Covenant into which the King* Grotius *de jure belli & pacis.* l. 2. c. 14. p. 233.

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shall enter with his subjects doth engender a true and proper obligation, and confer on the Subjects a right whereon to demand performance. I will not justifie all past actions, but can scarce refrain from adding to the Letany, From contrary Coronation-Oaths, good Lord deliver us.

Lastly, How far wide do they shoot, who direct the *private doubts and particular scruples of private persons or societies*, against the taking the Solemn League and Covenant, to discharge its obligation? Men print, and re-print the *Oxford* Reasons, and make a great noise with them in the world; and yet they are meer *private reasons*, professedly relating to their own refusal of the Covenant; and they never tell us whether they or any of the persons concerned, received satisfaction to their reasons, and after submitted to the taking of the Covenant; nor is it considered the Reasons do profess *an Apology*, and pray a *personal excuse* of themselves from the Act, but do not so much as pretend to acquit the bond of the Covenant to such as had taken it. Now granting that these Reasons might have that force that the Authors of them could not without sin conform to the Act of taking the Covenant, yet they be of no force at all to weaken or dissolve its bond.

Not to judge the consciences of others, but to clear our selves before God and the world, from all suspicion of obstinacy. *Oxford* Reasons, Pref. p. 1.

Let me therefore say, Sir, to these who offer to your and my consideration their *doubts and scruples against taking the Covenant*, and scatter abroad papers of this nature, that they manifest their malice and *profane enmity* against the Covenant, by subjecting it to vulgar scorn, and laying open their own *nakedness*, as if it were the *nakedness of the Covenant*, and run away railing against the Covenant as of *no force or obligation*, as *void and null*, on a meer *Petitio principii*, base-begging the question, and taking it for granted, That *what makes the act of swearing sinful, makes the Oath void.* And supposing a weight (which is very little) in their exceptions *to words, method, form, order of the Covenant*, and the *imposing it on the people*; which might have kept some men from swearing, to be sufficient to discharge all that are sworn. If they will indeed batter the Covenant, they should pierce into the body of it, and prove the matter of it unlawful; and then will I also shake off the Covenant for ever. Till then, I answer in the Negative to my own enquiry in *Saint Peters bonds abide, pag.* 13. to make the

the worſt of it 'a tumultuous Aſſembly come before us with 'Sword and Scepter, ſay they are a Parliament, and have lawful, 'conſtant, and compleat Authority; and therefore will put an 'Oath and Covenant upon us: And ſilly, inconſiderate we, are 'not ſo well-skill'd in Politicks, or acquainted with the Conſti-'tutions of our Country, to detect their fallacy; but think all 'Authority is within thoſe walls, and obedience muſt be yielded 'to what is there commanded; and ſo we are beguiled into the 'Oath: nor are we ſo hardy as to endure their violence, but by 'fear are forced into the Covenant; is it therefore void? for *we have opened our mouthes unto the Lord, and cannot go back.*

Sectio Tertia.

Propoſition 3. *The matter ſworn in the Solemn League and Covenant, is juſt and lawful to be maintained and purſued.*

THat we may diſcover the *lawfulneſs of the matter* of this Covenant, we muſt obſerve, that in reſpect thereof it is partly Aſſertory, and partly Promiſſory.

The Aſſertory part of the Covenant.

Aſſertory in the Preface of it, *viz. We Noblemen, Barons, Knights, Gentlemen, Citizens, Burgeſſes, Miniſters of the Goſpel, and Commons of all ſorts, in the Kingdoms of* England Scotland, *and* Ireland; *by the providence of God, living under one King, and being of one reformed Religion, having before our eyes the glory of God, and advancement of the Kingdom of our Lord and Saviour Jeſus Chriſt, the honour and happineſs of the Kings Majeſty, and His Poſterity, and the true publick Liberty, Safety, and Peace of the Kingdoms, wherein every ones private condition is included; and calling to mind the treacherous plots, conſpiracies, attempts, and practices of the enemies of God againſt the true religion, and profeſſors thereof in all places, eſpecially in theſe three Kingdoms ever ſince the reformation, and how much their rage, power, and preſumption are of late, and at this time, increaſed and exerciſed; whereof the de-*

plorable estate of the Church and Kingdom of Ireland, *the distressed estate of the Church and Kingdom of* England, *and the dangerous estate of the Church and Kingdom of* Scotland, *are present and publick testimonies: We have now at last (after other means of Supplication, Remonstrance, Protestation, and Sufferings) for preservation of our selves and our Religion from utter ruine and destruction, according to the commendable practice of these Kingdoms in former times, and the example of the people of God in other Nations, after mature deliberation, resolved and determined to enter into a mutual and Solemn League and Covenant, wherein We all subscribe, and each one of us for himself, with our hands lifted up to the most High God, do swear.*

Though this Preface may seem and be said to be *no part of the Covenant*, yet it being a Solemn profession of the grounds and reasons on which the Covenant was made, and was declared in the very Act *of swearing the Covenant*, by all that swore it, we shall own it as a part thereof.

The Covenant is further assertory in the Conclusion, (*viz.*) *And because these Kingdoms are guilty of many sins and provocations against God and His Sonne Jesus Christ, as 'tis manifest by our present distresses and dangers, the fruits thereof. We professe and declare before God and the world, our unfeigned desire to be humbled for our own sin, and for the sins of these Kingdoms, especially that we have not as we ought valued the inestimable benefit of the Gospel, that we have not laboured for the purity and power thereof; and that We have not endeavoured to receive Christ in our hearts, and to walk worthy of Him in our lives, which are the causes of other sinnes and transgressions so much abounding among us. And our true and unfeigned purpose, desire, and endeavour for our selves, and all others under our power and charge, both in publick and in private, in all duties We owe to God and man, to amend our lives; and each one to go before another in a real Reformation, that the Lord may turn away His wrath and heavy indignation, and establish these Churches and Kingdoms in truth and peace. And this Covenant we make in the presence of Almighty God the searcher of all hearts, with a true intention to perform the same, as we shall answer at the great day, when the secrets of all hearts shall be disclosed. Most humbly beseeching the Lord to strengthen us by*

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His Holy Spirit for this end, and to bleſs our deſires and proceedings with ſuch ſucceſs, as may be deliverance and ſafety to his people, and encouragement to other Chriſtian Churches, groaning under, or in danger of the Yoke of Anti-chriſtian tyranny, to joyn in the ſame or like Aſſociation and Covenant, to the glory of God, and enlargement of the Kingdom of Jeſus Chriſt, and the peace and tranquillity of Chriſtian Kingdoms and Common-Wealths.

The Covenant is promiſſory in the ſix Articles thereof.

Concerning the *aſſertory part of the Covenant* it muſt be noted, That although it ſhould have been *unlawful*, becauſe *untrue* in the grounds or reaſons pretendedly inducing to it, and ſo hypocritical and fallacious in the *humility*, *zeal*, *and reſolution* in the Concluſion proteſted; whereby the takers in deceiving others may have deceived their own ſouls, and bound themſelves under a certain expectation of the wrath of that God of *truth and jealouſie*, who hath been called as a Witneſs of ſuch wickedneſs: Yet this *fallacy will not diſcharge the obligation of the Covenant*: For an Oath binds according *to expreſſion*, not the takers reſerved *intention*: And therefore *Grotius* telleth us, That if a man in his aſſertory Oath do ψευδορκεῖν, *ſwear falſly*, this will be no warrant for his ἐπιορκεῖν, for *not performing* what he promiſed; and concludes, *Siquis volens jurare obligare ſe noluerit, non eo minus obligatur.* None but *Jeſuites* will ſay that a *man ſwearing, and in the act purpoſing not to bind his ſoul*, (and thereof make a ſecret appeal to God) *is free, and not bound by his Oath*: For this is expreſſly againſt the nature of an Oath, whoſe obligation is inſeparable from its Act. And therefore the ſame Author ſaith, *Siquis deliberato protulerit verba jurantia, animo tamen non jurandi obligatur.* And this is no other than *Oxford*-Divinity, *Siquis ex aliqua doloſa intentione velit putari juraſſe, habebit apud ipſum omnem obligandi effectum*; a man is bound by the action of ſwearing even beyond and contrary to his own intention. And this is evident in *Joſhua* and his Oath with the *Gibeonites*, obtained by *fraud*, and founded in *falſhood*, againſt which they had entred an expreſs Caveat, it being *far from his intention to make a League with a Canaanite*; yet he and all *Iſrael* were bound by it, as in the former Propoſition it hath been cleared.

Falſhood in the Preface bars not the obligation of the promiſe.

Grotius de jure belli & pacis. l. 2. p. 218.

Sanderſ. de Iuramento lec. 5. p. 160.

But why do I ſtand to eſtabliſh the obligation of the *promiſſory* part of the Covenant, againſt the falſhood of the *aſſertory* part of it, whilſt no ſuch falſhood appears? As for the *Concluſive proteſt*, it lieth out of human cognizance, and is onely obvious to the *Searcher of hearts*: And to me he muſt be ſtrangely blinded by *paſſion or prejudice*, that ſeeth, and ſubſcribeth not to every part of the Preface as true; yet ſome there are, who, (though they could not ſpeak out) are willing to ſuggeſt *a lie* chargeable on the ſame; and therefore the Covenant muſt be in this point vindicated againſt their exceptions, pretended doubts and ſcruples urged againſt the taking of the Covenant: Give me leave a little to weigh them.

The Aſſertory part of the Covenant vindicated.

The firſt I ſhall take notice of, is, the *Anonymus Doubts and Scruples* recommended to the world by Dr. *Gauden*, and offered Sir, to your and my conſideration; and his Quarrel (I ſhould ſay Scruple) is againſt the Title of the Covenant, which is certainly no part of it; which he thus frameth.

Exception of Doubts and Scruples.

I have not met with any Declaration to aſſure us, that Commiſſioners of each Kingdom reſpectively, and eſpecially of Ireland, *have been choſen and aſſembled together, had power, or did agree upon this League and Covenant; without which, or ſome ſuch equivalent proceedings, we cannot poſſibly know that it was the joynt conſent, reſolution, and deſires of the three Kingdoms to enter into ſuch a League, &c.*

Anſwer.

Whoever, Sir, were the Author of theſe *Scruples*, he ſure was of a very tender conſcience, that muſt be ſatisfied in the very Title and Denomination of the Covenant, and cannot do his own duty, or a juſt act, enjoyned him by the Superiors of the Kingdom, of which he is a member and ſubject, untill he be aſſured that all to whom it may extend do deſire and conſent thereunto.

2. *There might be ſuch a declaration* though *he met not with it.* Muſt private perſons ſuſpend required duties, untill they meet with Declarations of the regular agitation of State affairs? Muſt all the *arcana imperii* which relate to other Kingdoms, be opened before the Subject give his faith to keep the conditions concluded by their Governors?

3. Did he meet with any Declaration which told him, *Ireland* was in a general Rebellion againſt the Crown of *England*,

to

to which it had been ſubjugated, and was wholly dependent on the *Engliſh* intereſt for its reſcue and reduction? And muſt *England* ſtay its *Covenant* till *Irelands* Rebells ſend Commiſſioners and conſent? Or, may they not without their conſent covenant for the good of their vaſſal Kingdom, which they muſt again recover by force?

4. But *the Title of the Covenant gives no ground for this Doubt*; for though it be entituled, *A Covenant for the peace and ſafety of the three Kingdoms of* England, Scotland, *and* Ireland, yet is it not entituled, *A Solemn League and Covenant of the three Kingdoms*? And I hope they may be the *Objects*, who are not *Authors* or Abettors of an Oath: And if they be offended for our intention and endeavours of good to them, let them bear it; Charity will not always ſtay for the conſent or deſire of its object.

His next ſcruple is like unto this, occaſioned by thoſe words, *Of one Religion*, which he doubts the *Iriſh Papiſts*, open Rebels, againſt whom it was made, *and Popiſh party in* England, *and Independents may not be of one Religion*; yet by the ſeventh Inſtruction it is to be proffered to all inhabitants. Second exception out of Doubts and Scruples.

But, Sir, it doth not appear, that it is to be *proffered to the Iriſh Papiſts*. Anſwer.

2. *Becauſe proffered, is it therefore taken*? The words are profeſſed by them that take the Covenant; may it not be a teſt and note of diſcrimination for diſcovery of the Popiſh party, which lay lurking among us, and none as Papiſts, or indeed as Independents could take the Covenant?

3. *May not the majority denominate the whole*? The Proteſtant Religion is the onely one Religion owned and profeſſed in theſe Nations; nor doth he deny the Independents to be profeſſors of it.

Sir, muſt not Dr. *Gauden* commend his diſcretion in commending to the world ſuch perplexing Scruples as have not a Scruple of Reaſon in them? and ſhall not I appear as wiſe to ſpend time to conſider them (if of weight) after the Covenant hath been taken? but he affirms them *as agreeable to the Oxford-Reaſons*, which is a juſt *Chim ad Chaum*, Harp and Harrow; yet hereby he puts us on the conſideration of *them* which have paſſed thus long unanſwered, partly for the *dread of their name*, no-

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private perſon being a fit Antagoniſt, or proper Caſuiſt to reſolve the Doubts of an Univerſity; and partly for *that they were preſented Apologetically*, as private grounds of diſſatisfaction, and for excuſe from the Act required, not as *interdictions or condemnation* of other mens Act, as themſelves profeſs, much leſs as *Arguments for abſolution from the bond of the Covenant*, now it hath bin generally taken by Prince and People; to which end they are now *re-printed*, and by every fooliſh Pamphlet are anew urged; and therefore neceſſitate the conſideration of their weight, which (I confeſs) I, in reference to their name, was willing to decline, but by the worth of truth, and weight of the Oath of God upon our Land, am (though a private, obſcure, and unfit perſon) conſtrained thereunto.

Subſectio ſecunda.

Their exceptions to the Preface of the Covenant maketh no poſitive charge, yet ſuggeſteth ſundry falſhoods therein aſſerted, which they witneſs they could not acknowledge: As,

1 Exception by *Oxford* Reaſon.

Firſt, *They were not able to ſay, that the rage, power and preſumption of the enemies of God* (in the ſenſe there intended) *is at this time encreaſed.*

To which, Sir, I ſhould have then anſwered,

Anſwer.

1. *Their ability to ſay it is of little moment*, nor could we well judge it: for whether they were under any natural, wilfull, violent, or judicial incapacity, is not our part to determine: *Others were able to ſay it*: and if theſe reverend Fathers and Students did *know it*, though *they were not able to ſay it*, it was for us ſufficient. And therefore may I be bold further to enquire

2. Whether they were able to read the whole Sentence expreſſing the ſenſe (*Of the enemies of God, whoſe rage, power, and preſumption was at this time encreaſed*) here intended: *and calling to mind the treacherous and bloody plots, conſpiracies, attempts, and practices of the enemies of God, againſt the true Religion, and Profeſſors thereof in all places, eſpecially in theſe three Kingdoms, ever ſinte the Reformation of Religion, and how much their rage, power, and preſumption are of late, and at this time encreaſed: whereof the deplorable eſtate of the Church and Kingdom of* Ireland, *the diſtreſſed eſtate of the Church and Kingdom of* England, *and the dan-*

dangerous eſtate of the Church and Kingdom of Scotland, *are preſent and publick teſtimonies.* Are not theſe full expreſſions of the ſenſe in which *the enemies of God, whoſe rage, power, and preſumption were encreaſed*, are to be underſtood? And is it rational or religious to enquire after, and ſuſpend a duty on jealouſie of a *ſenſe intended*, when we have the ſenſe *plainly expreſſed*? Is not this repugnant to the end of Speech (the Interpreter of the mind?

3. Were the Maſters, Scholars, and other Members and Officers of the Univerſity of *Oxford*, ſuch ſtrangers in the *Proteſtant Iſrael*, as not to know *the Papiſts, and Popiſhly affected, were enemies of God, againſt true Religion, and the Profeſſors thereof in all places?* Or ſo unacquainted at home, as not to know *their plots, conſpiracies, attempts, and practices, were eſpecially againſt theſe three Kingdoms;* (the moſt publick and potent profeſſors of true Religion) *ever ſince the Reformation?* Had they no notion of the Rebellions againſt King *Edward* the ſixth? Of the Treaſons, Plots, Conſpiracies, Roaring Bulls, and Raging *Spaniſh Armado* againſt Queen *Elizabeth*? Of the *Gunpowder-Treaſon* and other plots againſt King *James*? Of the Colledge of Propagators of the Catholick cauſe erected in *Rome*, under the Government of Cardinal *Barbarin*, and deſigned againſt theſe Kingdoms? Or of the grand Plot agitated by *Con*, or *Cumeus*, the *Popes Nuncio* in *England*, diſcovered by *Andreas ab Habernefield*, firſt to *Sir William Boſwel* His Majeſties Reſident in *Flanders*, and by him unto *Laud* late Archbiſhop of *Canterbury*, and ſince fully cleared and laid open by Mr. *William Prynn* in his *Romes Maſter-piece*, publiſhed in 1643. four years before their reaſons, and might have been profitable to their eye-ſight?

4. Did not this learned Univerſity judge it to be an high encreaſe of their Rage, Power, and Preſumption, to diſtribute their Jeſuits into ſuch ſeveral Orders, as ſhould be capable in any place or profeſſion to propagate their plots? To preſs upon the late King and Archbiſhop for a publick profeſſion of union with *Rome*? To boaſt openly of *Englands* returning to Popery? To tender a Cardinals Hat to the late Archbiſhop? To poiſon our Fountains the Univerſities, and our very people with *Arminian* and *Popiſh* doctrines publickly preached and printed, and *Popiſh* pictures

pictures publickly sold, and bound up with our Testaments and Bibles? To provoke the High-Commission cruelties, and *Puritans* discontents? To plot a plain Popish Service-book (with very little variation o[illegible] from the Mass-book) and procure it to be by force and violence imposed on the Church and Kingdom of *Scotland*, to the raising Mutinies, and stirring up the *Bellum Episcopale*, with pretence to yoke them, and intention to destroy the King and Protestant cause? To rebell openly in *Ireland*, and with rage and cruelty to murder and massacre the Protestants? To divide between King and Parliament in *England*, and possess themselves of his Majesties Garrisons and Armies, as under their command? To abet, advise, and effect the most barbarous murther of his late Majesty, and our since confusions? All which, and many the like, to have been the atchievements and accomplishments of these enemies of God to true Religion. He that is in any measure observant of our affairs, can run and read. And are not these expressions of rage, power, and presumption? let right reason judge.

Oxford Reasons, second exception.

2. *They cannot truly affirm, that they had used or given consent to any supplication or remonstrance to the purposes therein expressed.*

To this, Sir, consider,

That although they cannot affirm it, yet others can do it in truth, and with joy.

2. What are the purposes therein expressed? (not as before intended) shall we judge it from the Preface? *It is the glory of God, and the advancement of the Kingdom of our Lord and Saviour Jesus Christ, the honor and happiness of the Kings Majesty, and His Posterity, the publick liberty, peace, and safety of the Kingdoms, wherein every ones private condition is included.* For the End is the Argument which is urged to enforce the constancy to the Covenant; and in Article the sixth it is expressed to be *the glory of God, good of the Kingdoms*, and the honour of the King; and these are the onely *purposes expressed* in these particular acts propounded for the production of them, and shall we be so uncharitable, as to think the Gentlemen of *Oxford* to have been so void of *piety* towards God, *love* to their Country, or *loyalty* toward their King, as not *to have used or given consent to Supplication or Remonstrance to these purposes therein expres-*

preſſed? Muſt we think them ſo ſpeechleſs, as not to pray to God, nor ſpeak to men for the effecting of theſe *purpoſes expreſſed?* No! I will rather preſume them *modeſt*, and not willing to publiſh their *piety* and zeal to good purpoſes: or *paſſionately prejudiced* againſt ſome one expedient propounded to the effecting of theſe *purpoſes expreſſed*, and thereby acted to confound the purpoſe and purſuing meanes: But,

3. Had not the Univerſity of *Oxford Repreſentees in Parliament?* If they did not ſit, were they violently excluded? Or, did they give their *No* to the Supplications or Remonſtrances to the purpoſes expreſſed in the Covenant? and if they did, were not theſe Supplications and Remonſtrances carried by the Majority of Votes? And is not the Negative ſo ſwallowed therein, that all perſons and bodies corporate through the Nation, did thereunto conſent? When we finde *Oxford* excepted, we will ſay they could not truly affirme, *they gave conſent.*

But 3dly, *they did not conceive the entring into ſuch a League and Covenant, to be a lawful, proper, and probable means to preſerve our ſelves and our Religion from ruine and deſtruction.* *Oxford* Reaſons third exception

To this, Sir, we muſt enquire into the *conceipt* of theſe Gentlemen, and deſire to know whether it relate unto the *quality* of the Covenant, or the *act* of Covenanting? The particle *Such*, ſeems to carry it to the *quality of the Covenant*, in reſpect of the matter covenanted; which afterward is particularly and in its proper place excepted againſt: But the words of the Covenant ſuggeſted by this exception to be falſe, do relate unto the *act of covenanting*, as *we have now at laſt for the preſervation of our Religion, determined to enter into a* (not ſuch a) *mutual and Solemn League and Covenant:* And the place of this exception is in the beginning of their exceptions *unto the Preface, which may be ſaid to be no part of the Covenant*, and therefore admits not an exception to the quality of *ſuch a Covenant*: Moreover the next exception puts it out of doubt, that theſe words relate to the *act of Covenanting*, in which they profeſs *they finde not in our Hiſtories any footſteps of a ſworn Covenant on any occaſion whatſoever.* So that it ſeems to be the *Act of covenanting by Outh*, which they cannot conceive *to be a lawfal, pro-*

per, and probable means to preſerve Religion from ruine: Surely then Sir, the weather was very miſty about *Oxford*, and made their minds very muddy, that they could not conceive *entring into Covenants, and Solemn Leagues*, dictated by the light of nature, and directed by the Law of God, purſued and practiſed by all Nations, (and by *Iſrael* in the caſes of their Religion,) as the utmoſt of humane policy, and higheſt of ſecurity to their priviledges endangered, as a method detecting concealed enmity, debarring fraud, expreſſing affection, engaging conſcience, and animating reſolution, to be a *lawful, proper, and probable meanes of ſecurity*. If it be good and ſafe as to our *Civil*, I hope it is no leſs probable in our *Religious concernments*. If Sir, I had been to deale with one ſingle ſtudent, I muſt have told him, That he ſtarted this exception more like a Sophiſtical Diſputant, than a conſcientious Dubitant.

4th Exception in the *Oxford* Reaſons.

Fourthly, They could *not believe the entring into this Covenant to be according to the commendable practice of theſe Kingdoms, or the example of Gods people in other Nations: for that they found not the leaſt footſtep in our Hiſtories of a ſworne Covenant ever entred into by the people of this Kingdom upon any occaſion whatſoever; nor could they readily remember any commendable example of the like done in any other Nation, but are rather told by the Defenders of the Covenant, that the world never ſaw the like before.*

Anſwer.

Whither Sir, will not prejudice carry men? I cannot but wonder to finde the Maſters, Students, &c. of *Oxford*, ſo much unacquainted with Hiſtories, as neither to finde in our own, or other Hiſtories, *a commendable example of Entring into Covenant*: I may not mind them of the Covenant made by the Nobles and people of *Scotland* among themſelves, and with Queen *Elizabeth* of *England*, under and againſt the Papal might, executed by the then Queen Regent; nor of the *Netherlands confederacy and Covenant*: Theſe will not ſeem *commendable* in their ſight now, though ſo judged when *England* became their protection, and encouraged, nay, defended them in them.

Let me therefore enquire whether they knew *Iſrael* to have been *Gods people of another Nation*, and that they entered into Covenant in the time of the Judges, in the dayes of *Joaſh*, *Joſiah*, *Hezekiah*, and *Nehemiah*, in times of danger and defecti-

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on in their Civil and Religious concernments; And was their practice commendable?

2. Did our Gentlemen of *Oxford* never *finde any footſteps* in our Hiſtories concerning the *Barons* of *Stamford*, *Anno* 1225. aſſembled *not only without, but againſt the Kings conſent*, and covenanted each with other *to demand the reſtitution of their Liberties*; whereupon a Parliament was holden at *Northampton* to give them ſatisfaction? And again, did they never finde in our Hiſtories, how in *Anno* 1258. they Aſſembled at Oxford, agreed on *Articles*, viz. *The confirmation of the Charter de Foreſta.* 2. *The eſtabliſhing of a Lord Chief Juſtice*, who might judge them by Law. 3. *The driving Aliens and Strangers out of England*, and the like; and that they confederated by Oath, and gave their hands and *mutual faith* one to the other, that *they would not deſiſt to proſecute their purpoſe for loſs of money or Lands, nor love, nor hate, no nor yet for life of them, or theirs, till they had cleared* England *of Strangers, and procured laudable Laws*: And under this Covenant they brought the Kings Brother, *Richard* King of *Romans*, and Earle of *Cornwall*, and cauſed him to ſweare upon the Holy Goſpels this formal Covenant: *Matth. Paris Hiſt. Aug. p.* 940, 941, 952, 653.

Hear all men that I Richard *Earle of* Cornwal, *ſwear upon the Holy Goſples, to be faithful and forward with you, to Reforme the Kingdom of England, hitherto by the counſel of wicked men ſo much deformed; and I will be an effectual coadjutor, to expell the Rebels and troublers out of the ſame*: Both theſe our Hiſtories ſay, were in the time, and without the conſent of King *Henry* the 3d. Not to trouble our Reader with the like in the time of King *John*, King *Richard* the 2d, and other Princes; I muſt deſire the Gentlemen of *Oxford* to tell us, whether theſe were not *people of England*? and theſe be not viſible *footmarks of ſome Covenant of the people of* England *on ſome occaſion*? And if they ſhall queſtion whether they be *commendable examples*, let them pleaſe to obſerve the commendable Epethite our Hiſtorian gives upon the laſt of theſe Covenanters, calling them *Angliæ Republicæ Zelatores*: But, the *defenders of the Covenant told them, that the world never ſaw the like before*: but, they did not tell them, that there are *no footſteps of any Covenant made on any occaſion whatſoever*: And if they had,

were the Maſters and Students in *Oxford* reſolved into ſuch an implicite Faith, as to believe an Enemy? But I wonder theſe Maſters of Reaſon had ſo little Reaſon, as to conclude a *general*, from the conceſſion of a *ſpecial*: Their Margent explaineth the conceſſion of the defenders of the Covenant in theſe termes, *Such an Oath for matter, perſons, and other circumſtances, the like hath not been in any Age or Oath we reade of in Sacred or humane Stories.* Know they not that there is a vaſt difference between the general form of an Oath or Covenant, and thoſe ſpecial Qualifications which may circumſtance it? and that a diſſimilitude in the laſt, will not conclude that there never was a Sworn Covenant on any occaſion? but *ſit verbum ſat ſapienti.*

Thus Sir, notwithſtanding theſe learned Suggeſtions of the falſehood of the Preface, and in it of the aſſertory part of the Covenant, it yet continueth lawful, becauſe true; and is our encouragement and aſſurance, that the *promiſſory part* will be anſwerable: For as in rational concluſions, ſo I hope in Religious reſolutions we ſhall find *à veris vera ſequuntur.*

Subſectio Tertia.

The promiſſory part of the Covenant, is in theſe ſix Articles.

I.

Containing exceptions to the firſt Article of the Covenant.

THat we ſhall ſincerely, really, and conſtantly, through the Grace of God, endeavor in our ſeveral places and callings, the preſervation of the Reformed Religion in the Church of Scotland, *in Doctrine, Worſhip, Diſcipline and Government, againſt our common Enemies; The Reformation of Religion in the Kingdoms of* England *and* Ireland *in Doctrine, Worſhip, Diſcipline and Government, according to the Word of God, and the example of the beſt reformed Churches: And ſhall endeavor to bring the Churches of God in the three Kingdoms, to the neareſt conjunction and uniformity in Religion Confeſſion of Faith, Form of Church-Government, Directory for Worſhip and Catechizing; That we and our poſterity after us, may as Brethren live in Faith and Love, and the Lord may delight to dwell in the midſt of us.*

II.

That We ſhall in like manner, without reſpect of perſons, endeavor

deavor the extirpation of Popery, Prelacy (that is, Church-Government by Archbiſhops, Biſhops, their Chancellors and Commiſſaries, Deans, Deans and Chapters, Archdeacons, and all other Eccleſiaſtical Officers depending on that Hierarchy) Superſtition, Hereſie, Schiſme, Profaneneſs, and whatſoever ſhall be found to be contrary to ſound Doctrine, and the power of Godlineſs; leſt we pertake in other mens ſins, and thereby be in danger to receive of their plagues, and that the Lord may be one, and his Name one in the three Kingdoms.

III.

We ſhall with the ſame ſincerity, reallity and conſtancy, in our ſeveral Vocations, endeavor with our eſtates and lives, mutually to preſerve the Rights and Priviledges of the Parliaments, and the Liberties of the Kingdoms, and to preſerve and defend the Kings Majeſties perſon and authority (in the preſervation and defence of the true Religion, and Liberties of the Kingdoms) that the world may bear witneſs with our Conſciences of our Loyalty, and that we have no thoughts or intentions to diminiſh His Majeſties juſt power and greatneſs.

IV.

We ſhall alſo with all faithfulneſs endeavrr the diſcovery of all ſuch as have been, or ſhall be Incendiaries, Malignants, or evil Inſtruments, by hindring the Reformation of Religion, dividing the King from His people; or one of the Kingdoms from another, or making any faction or parties amongſt the people, contrary to this League and Covenant, that they may be brought to publick trial, and receive condign puniſhment; as the degree of their offences ſhall require or deſerve, or the ſupream Judicatories of both Kingdoms reſpectively, or others having power from them for that effect, ſhall judge convenient.

V.

And whereas the happineſs of a bleſſed Peace between theſe Kingdoms, denied in former times to our progenitors, is by the good providence of God granted unto us, and hath been lately concluded and ſetled by both Parliaments: we ſhall each one of us, according to our place and intereſt, endeavor that they may remaine conjoyned in a firm Peace and Union to all poſterity: And that Juſtice may be done upon the wilful oppoſers thereof, in manner

ner expreſſed in the precedent Articles.

VI.

We ſhall alſo according to our places and callings in this common cauſe of Religion, Liberty and Peace of the Kingdom, aſſiſt and defend all thoſe that enter into this League and Covenant, in the maintaining and purſuing thereof, and ſhall not ſuffer our ſelves directly or indirectly by whatſoever combination, perſwaſion or terror, to be divided and withdrawn from this bleſſed Union and Conjunction, whether to make defection to the contrary part, or to give our ſelves to a deteſtable indifferency or neutrality in this cauſe, which ſo much concerneth the glory of God, the good of the Kingdoms, and the honour of the King; but ſhall all the dayes of our lives zealouſly and conſtantly continue therein, againſt all lets and impediments whatſoever; and what we are not able our ſelves to ſuppreſſe or overcome, we ſhall reveal, and make known, that it may be timely prevented or removed; All which we ſhall do as in the ſight of God.

When I conſider the matter of theſe ſeveral promiſes to have been *propounded by a Parliament*, on advice had with an Aſſembly of Grave, Learned, and Judicious Divines, who were to diſcover ſin, and make men to diſcerne between good and evil; I cannot but retain a ſtrong conjecture, that it is all good and lawful: And when I conſider *His late Majeſties diſſatisfaction* expreſſed in His *Contemplations*, to be more in reſpect of the *manner* than the *matter*, my conjecture is much confirmed: And when I obſerve His moſt Sacred Majeſty at His late Coronation, to have by *Solemn Oath* teſtified *His allowance and approbation of the Solemn League and Covenant*; and by His Royal Declaration from *Dumfirmling*, to have profeſſed, That *on mature deliberation, and being fully ſatisfied of the lawfulneſſe and equity of the Solemn League and Covenant, and every the Articles thereof, Himſelf had ſworn it; and conjureth all his Subjects to lay aſide their oppoſition to it.* Loyalty leads my conjecture unto a concluſion: For ſuch *ſerious ſcrutiny* by ſo *ſage and conſcientious perſons*, and that under the afflicting hand of that God (who will not be mocked) could not but have deſcribed the ſinfulneſſe of the matter if it be found: But when I weigh the particu-

ticulars promiſed, and find them to be the *Preſervation of Religion*, and *Reformation wherein it is corrupted*, and *removal of what is thereunto obſtructive*, as to the religious part of it, and the *preſervation of the Kings Prerogative*, and *peoples liberty*, and *Nations unity*, and *removal of the enemies thereof*, as to the civil part of it; my concluſion is eſtabliſhed; and I find it ſo farre from *unlawful*, that it binds us not to any thing, which in the nature of it, is not on us a *poſitive duty*, though not bound by this moſt Sacred Bond; and ſo farre is this *Covenant* from a repugnancie to *our baptiſmal Covenant*, as our Dr. hath ſuggeſted in his * *Analyſis*; that as I have in my * *Analepſis*, noted, *It is no hard matter to reſolve it into the three heads of our baptiſmal promiſe* taught by our Church: For, *if I muſt believe the Articles of the Creed*, I muſt preſerve ſound Doctrine, and reform to my power what is corrupt: *If I muſt keep Gods Commandments*, I muſt purſue pure worſhip, and Religion towards God; and Loyalty, Love, and unity towards men: And if *I muſt renounce the Divel and all his works*, I muſt extirpate Popery, and Papal Prelacy, Superſtition, Hereſie, Schiſme, will all incendiaries, and evil inſtruments, hinderers of Reformation. And now I ſhall pray Dr. *Ganden* will ſhew us wherein *this Covenant is ſo vaſtly different from the Covenant made in Baptiſme*; Yet I ſhall conſider once more the matter of the Covenant by thoſe Rules which reſolve the matter of an Oath unlawful; and if it be therein chargeable, I ſhall conſent to the diſcharge of this Holy Bond.

* Page 12.
* Page 21.

An Oath is (in reference to the matter of it) determined *unlawful*, when it is *unneceſſary*, and about trifles; and that is the *prophaning* of an Oath; yet, will abide a queſtion, whether it do not binde?

But I preſume, none will be ſo childiſh, as to ſay or think the *Purity of Religion*, *Honour and Authority of the King*, *Priviledges of Parliament*, *Liberty of the Subject*, *and Unity of the Kingdom*, are *trifles*; than which, no matters can be more weighty and needful to us, as men or Chriſtians: Nor is it of any force to ſay, Theſe were ſecured by *Laws and Profeſſion of a lawful and Religious King*; whilſt theſe did not expel the ſpirit of jealouſie, the matter was of that weight, as to render an Oath and Covenant neceſſary.

LAMBETH PALACE

Secondly, An Oath is *unlawful* when the matter of it is *impossible*; for *ad impossibile Nemo teneatur*; whether the impossibility be in the nature of the thing, or action conversant about it; but our Solemne League and Covenant is free from any appearance of *impossibility* in the *nature of the things covenanted*: I hope the Reformation of Religion, and preservation of humane order, peace, and unity, will be owned as possibilities beyond the *Learning of an Asse*: Very little ground is there for that Scruple which is urged by our Drs. Anonymous friend, That *Extirpation is the immediate work of God in the heart*; as if it were no way a humane Act within mens power, in reference to the exercise and profession a principle or practice in the Kingdom.

Scruples and Doubts about taking the Covenant. p. 7. 8.

Nor is there any impossibility chargeable on the *Act*, which is all along limited unto an *endeavour according to our several places and callings*: which might methinks have satisfied the same Questionists; that, though *Banishment or Death be extirpating Acts*, yet they might be out of his place and calling, and other Acts did to him particularly belong.

Let it here be noted, that though the *Law* were (as some suppose) against something sworn in this Covenant, yet this puts not a *moral impossibility* upon the same; for that a National Oath is the most full and authentick Repeal and discharge of former Laws, or the thing sworn may be effected by a meek and humble endevour in our places and callings, to have that Law voided, and repealed.

And as to what impossibility did seem to lie upon the *extirpation* of some things in this Covenant sworn to be extirpated by reason of the *Coronation Oath of His late conscientious Majesty*, it was greater in *appearance* than in *reality*: For, the Oath of a Prince may be vacated by the impossibility put on it by the contrary Oath of the people, though tumultuously sworn, as it was in the rescue of *Jonathan* from King *Sauls* Oath: I justifie not, nay, I pray God prevent the insurrection of the *natural* against the *political power*; but I cannot but take notice that God sometimes suffers it, and produceth his own will by it: as in this case, and in the casting off *Samuel*, and changing the government; and amongst us (*Horresco referens,*) in suffering the madness of the people to prevaile against His late Majesty, not only to the contradiction of His Oath, but cutting off His Royal person, and

1 Sam. 14. 46.

so

to clearing the impossibility that did appear between this *Covenant*, and his *Coronation Oath*: and in bringing His Majesty that now is, under the same Sacred Bonds, to *endeavour in His Royal place and calling to effect the same things*: And in this case it is to be remembred, that the impossibility being removed, the *Oath becomes obliging, and the act sworne, a duty.*

Let such as pretend an impossibility on any part of the Covenant, because of the prevalency of men, affection of the people, countenance of Authority, and the like, learn to distinguish between the *effect and endeavour*; there may be an impossibility of *effect*, and yet impossibility of *endeavour*; and D. *Saunderson* concludes, that the thing once sworne, the covenanter must endeavour to make the affect possible: Indeed we have in the Covenant sworne with very much Caution, not to *effect*, but *in our places and calling to endeavour*; but this must not be by a *wish* for purity; and then *welcome* corruption; a *consent* to Reformation, and then *compliance* in Superstition; a *faint refusal*, and then *free reception* of the estate to be extirpated: No, it must be a stout and strenuous endeavour with all force and fervor, as Dr. *Saunderson* in this case well noteth; *Obligat hoc genus Juramenti non ad effectum, quem supponimus esse impossibilem; sed ad conatam quamdiu superat spes ulla; Imo quo plures, & majores objiciuntur difficultates, eo obnixius conendum & fortioribus animis obnitendam.* I wish, Sir, that our soft Covenanters, Speedy compliants, and Temporizing Turn-Coats, would seriously study this lesson. *Saunderson de Juram. prælect. 3. Sect. 4. p. 64.*

Thirdly, An Oath is in respect of the matter unlawful, when it is *impious*, and expresly against Gods Word and Command; being so in it self, and nature of the thing; and then the Rule must be admitted; *Pacta quæ turpem causam continent non sunt observanda*; And Oath must be the Bond of iniquity.

Here Sir, be pleased to observe, that though I could not consent to the Drs. opposition of *Truth, Justice, Reason, Religion, and duty to God or man*, as Iron, Adamantine bonds unto the weak Withs & Cords of an Oath, which is directly contrary to the nature thereof; yet I acknowledge in them such power as no Oath can bind against: If he or any will assume and make good the assumption, That the matter of the Covenant is of its self and own nature contrary to *Truth, Justice, Reason, Religion, or duty to*

God and man; I will admit the ſequel, and conclude *it doth not oblige* : But I have yet fouud none that have herein charged it ; ſome indeed oppoſe to ſome part of the Covenant, an *Apoſtolical tradition*, but no divine inſtitution or direction to any part thereof.

The unlawfulueſſe which I find charg'd on the matter of the Covenant, is uſually accidental in ſome circumſtances converſant about the *Act*, more than the *matter ſworne*, and hath been produced as a juſt barre to the taking of the Covenant, but is in vain now produced to break its bonds laid upon us, as I have before noted. I eaſily grant that the Oath which is not ſworne *in truth, in Juſtice, and in judgment*, is very prophanely ſworn; yet affirm, it may be *ſtrongly binding*; and ſo hereupon I might diſcharge this Section as running into the former; but becauſe ſimple men ſeem ſtartled by that *unlawfu'neſs of matter* in the Covenant: which is ſuggeſted in the *Oxford Reaſons*, for their *non-confederacy* with the reſt of the Nation, and do commonly produce them as the preſent only plea, to diſcharge the Oath of God; I ſhall make bold to weigh the ſame, and ſee what more ſtrength is in their *Scruples* as to the *matter promiſed*, than was in reference to the *matter aſſerted*; and whether an intelligent Caſuiſt would not have eaſily reſolved their doubts, and enlarged their conſciences.

Subſectio quarta.

The Maſter, Scholars, and other Officers and Members of the Univerſity of *Oxford*, in their Apology for not taking the Covenant, urge their Reaſons againſt the ſame *as unlawful* not, in the matter it ſelf *ſimply conſidered*, but by *accident*, in reſpect of ſome circumſtances attending themſelves; and diſcapacitating them unto the Act, and they offer their exceptions unto the Articles ſeverally and diſtinctly.

Unto the firſt Article they except againſt the *Preſervation of the Reformed Religion* of the Church of *Scotland* in Doctrine, and Worſhip. Diſcipline, and Government; and then againſt the *Reformation* of *England* in thoſe particulars.

Oxford Reaſons Sect. 3. pag. 4.

1 *Except.*

Unto the firſt they tell us, *They are not ſatisfied how they can in judgment ſwear to endeavour to preſerve the Religion of another Kingdom.*

To

To which I anſwer in General, it is but reaſon they ſuſpend the *Act* untill they can *ſwear in judgment*; though ſuch as have raſhly in ignorance prophaned the Oath by ſwearing it, muſt in ſence of its Sacred Obligation inform their judgments, that they may performe it, and not caſt it off: but what hindreth their judgment in this required Act?

They urge four obſtructive reaſons: As

First, *As it did not concern them to have very much, ſo they profeſs they had very little underſtanding thereof.* 1 Reaſon of this exception.

In which reaſon it is to be noted,

1. *They had ſome underſtanding of the Doctrine, Worſhip, Diſcipline, and Government of the Church of* Scotland; and that little might ſo farre enlighten their judgment, as lawfully to ſwear the preſervation thereof: I preſume many Citizens have little and but general notion of the Liberties they ſwear to preſerve, yet are judged to ſwear in judgment.

2. I wonder *an Vniverſity, and Proteſtant Vniverſity*, converſing in all Books, (and I muſt imagine) meeting with the two Books of the Diſcipline of the Church of *Scotland*, their Confeſſion of Faith, and Form of Worſhip, entertaining Schoolmen and Biſhops, thence fled, by reaſon of the ſame; and openly oppugning and diſputing againſt the ſame, ſhould profeſs they had thereof *little underſtanding*; but it may be they minded not to ſtudy theſe things.

3. *Some underſtanding* in the Religion of another Kingdom *was neceſſary* to them as *Chriſtians and Proteſtants*, by vertue of the Communion of the Church; and ſome as *an Vniverſity*, and Proteſtant School of Learning, where the true Religion of the Reformed Churches was to be defended, duobts diſſolved, and errors oppugned and contradicted; and ſome was neceſſary, to them as *Subjects*, required to ſwear the preſervation thereof for the injunction could not but provoke an enquiry after the matter to be preſerved: I wonder therefore how theſe men could profeſs it did not concern them to have much, who (if I miſtake not) ought to know as much as all the Nation beſides: but from what they know, they adde the next Reaſon, (*viz.*)

In three of the four ſpecified particulars; (viz.) *Worſhip, Diſcipline, and Government, it is much worſe; and in the* 2 Reaſon of this exception.

fourth, that of Doctrine, not at all better than our own to be reformed.

I wonder Sir, what account of the *Doctrine, Worſhip, Diſcipline, and Government of the Church of* Scotland was by the occurrences of thoſe unhappy times, brought unto the knowledge of the Univerſity of *Oxford?* I hope they were more wiſe and juſt than to take it from Mr. *John Maxwel*, pretended Biſhop of *Roſs*, (a man excommunicated by the Church, and cenſured by the State of that Kingdom, a profeſſed Enemy, and enraged Delinquent, curſing his very Judges) whom I find about that time at *Oxford*, writing his *Iſſachars Burden*, (a moſt railing, reproachful diſcovery of the Diſcipline of the Church of *Scotland*:) and the rather, for that the heat of expectation and oſtentation of many (in reference to that book) was cooled by a providential fire which ſeiz'd on the Printing-Houſe, and burned the Copies ready to be publiſhed the next day, as Mr. *Baylie in his Vindication of the Government of that Church* (which theſe Gentlmen might have met with) doth teſtifie:

Yet Sir, had theſe men of reading regarded what more ſober and impartial men have ſaid and written, they would have had another Character of this Church: I may not mind them of the *Apology to the Doctors of* Oxford, in the time of King *James*, preferring *the Doctrine, Worſhip, Diſcipline, and Government of Scotland*, before that of *England*, or of their *Philadelphian purity*, who did not *only keep the Doctrine of Salvation pure and free from corruption, but doth alſo deliver it in writing, and exerciſe in practice that ſincere manner of government, whereby men are made partakers of Salvation* mentioned by Mr. *Brighman* our Countreyman; they will poſſibly tell us, theſe were *Seperatiſts* to whom *Scotland* is no friend) or *Puritans*: Yet methinks * *Beza* may call for a little audience and reſpect from this Learned Aſſembly: and he told us long ſince, *This is the great gift of God, that you have brought into* Scotland *together pure Religion, and good order, which is the bond to hold faſt the Doctrine; and I heartily pray and beſeech you for Gods ſake hold faſt theſe two together, and alwayes remember, that if one be loſt, the other cannot long remain:* And no leſs venerable, I preſume, is the *Corpus Confeſſi-*

Brighman on Apocalyps. 3.

* *Magnum hoc Dei munus quod una & religionem puram & συναξιαν doctrinæ, viz. retinendæ vinculum in Scotiam intuliſtis. Sic obſecro & obteſtor hæc duo ſimul retinet, ut uno amiſſo alterum diu permanere non poſſe ſemper memineritis* Beza Epiſt. 79.

feſſion, the Harmony of Confeſſions of all the reformed Churches; and yet therein they have an account of the Church of *Scotland*, which might render it more acceptable, and worthy to be preſerved. For thus it is reported by the Collector, who much rejoyced in the providence that brought their Confeſſion into his hand: * *It is the rare priviledge of the Church of* Scotland *before many, in which reſpect her name is famous even among ſtrangers, that about the ſpace of fifty and four years without Schiſme, yea or Hereſie, ſhe hath holden faſt unity, with purity of Doctrine*; the greateſt *help of this unity by the mercy of God was, that with the Doctrine, the Diſcipline of Chriſt and his Apoſtles, as it is preſcribed in the Word of God, was by little and little together received, and according to that Diſcipline ſo near as might be, the whole government of the Church was diſpoſed; the Lord God of his infinite goodneſs grant unto the Kings Majeſty, and to all the Rulers of the Church, that according to the Word of God they may perpetually keep that unity, and the purity of Doctrine.*

* *Eſt illud eccleſiæ Scoticanæ privilegium rarum præ multis, in quo etiam Nomen apud exteros fuit celebre, quod circiter aut nos plus minus 54. ſine Schiſmate nedum Hæreſi, unitatem cum puritate doctrinæ prevaverit & retinuerit; hujus unitatis adminiculum ex Dei miſericordia maximum fuit quod paulatim cum doctrina, Chriſti & Apoſtolorum Diſciplina ſicut ex verbo Dei præſcripta eſt, una fuit recepta, & quam proxime fieri potuit ſecundum eam totum eccleſiæ regimen fuit adminiſtratum. Det Dominus Deus pro immenſa ſua bonitate Regiæ Majeſtati, omnibuſque Eccleſiarum gubernatoribus, ut ex Dei verbo illam unitatem & Doctrinæ puritatem perpetuo conſervat.* Corpus Confeſſ. p. 6.

Unto theſe might be added the teſtimony of *Arundel*, *Hutton*, and *Matthews*, three *Engliſh* Archbiſhops, approving the order of the Church of *Scotland*; and the joy of King *James* profeſſed in the Aſſembly 1590. *That He was born to be a King of the ſincereſt Church in the world*: All which might have brought to their knowledge a better account: but they looked not ſo farre back, but take it up by *occurrents of thoſe unhappy times*; in which I fear *Scotland* was not more full of *perplexities*, than *Oxford* of *paſſion and prejudice*.

3. But in what particulars are the Doctrine, Worſhip Diſcipline, and Government, much worſe than that of *England*? They ſhould ſpecifie theſe bad things; for *generalia non pungunt*; I confeſs in a Notion of Philoſophy, or queſtion in Divinity, the *Say'o* of a Univerſity is of ſome Authority, but of none in the caſe of an accuſation which muſt be particularly charged and plainly proved,

proved, if *Englands* Doctrine be *doubtful and defective* in reſpect of its *clearneſs and certainty*, or ſophiſticated by the *obtruded fancies* and terms of private men, as Mr. *Prynn* hath plainly charged in his Epiſtle to the late King, prefixed to his *Quench-coal*, and as the Miniſters of ſundry Counties in their *Reaſons for Reformation* have ſuggeſted; and Mr. *Ham ton* in his modeſt anſwer to Dr. *Peirſon*, hath cleerly demonſtrated, it will be found as much better than the Doctrine of the Church of *Scotland*, as its Worſhip, Diſcipline, and Government, is worſe than that of *England*: And I hope, if the one be *as good*; though *nothing better* than the other, there can be no great Scruple, to ſwear to endeavour the preſervation of it: But to proceed,

3 Reaſon of this exception referred to the fifth Section of this Treatiſe

Their third Reaſon is a ſuppoſed contradiction in this firſt Article of the Covenant. This ſhall be conſidered under another Head.

4th Reaſon of this exception.

The fourth Reaſon why they could not ſwear the preſervation of the Religion in *Scotland*, is this, *Wherein we already find ſome things, to our thinking, tending towards Superſtition and Schiſm, which call for Reformation.*

Here Sir, they ſeem to ſpecifie what in the 2d reaſon they had ſuggeſted in general terms: But let it be obſerved,

1. That they find not in the Church of *Scotland any formal Superſtition or Schiſme*, but at the moſt *ſomething tending towards them.* I imagine many *Oxford* Maſters will not willingly admit a Reformation, or be denied a preſervation of many things apparently tending towards Popery, bua not Popery it ſelf.

2. The things they find, do but *to their thinking*, tend towards Superſtition or Shiſme; but they have no certainty of it; Muſt conjecture ſtand againſt the Covenant and concluſions of others? Methinks Superſtition and Schiſm ſhould be ſo well known to the Scholars of *Oxford*, that they might be able to conclude what things tend thereunto.

3. What are the things they find in the Church of *Scotland* which tend (in their thinking) to Superſtition and Schiſm? They point us unto the Margine, and there we find (*viz.*) *in accounting Biſhops Antichriſtian, and indifferent Ceremonies unlawful*; this they refer to Superſtition: And (*viz.*) *in making their Diſcipline ad Government a mark of the true Church*, and

and the ſetting up thereof the erecting of the Throne of Jeſus Chriſt; and this they referre to Schiſm. Sure Sir, they were in a great ſtrait, that made a ſhift to ſpecifie theſe ſad corruptions; but yet they do not tell us, where they find theſe laid down as the Doctrines of the Church of *Scotland*; whether in their Confeſſion, or form of Diſcipline; Whilſt in their Confeſſion of Faith they give unto general Aſſemblies *authority about Ceremonies*, I cannor think they deem *indifferent Ceremonies unlawful*; nor do I find tnat they (as *England* hath done) do any where make their Diſcipline a part of their faith; that ſo they might damn *Biſhops as Antichriſtian*; I find indeed, that they make Diſcipline *rightly adminiſtred as is preſcribed in the Word of God*, the note of a true Church; but they do not appropriate it to their Diſcipline and Government, as theſe learned men would have us read it. I know indeed, that the *Scotch* Divines do account *Engliſh Biſhops* Antichriſtian, *and Engliſh, Popiſh Ceremonies unlawful*; but they deny them to be *indifferent*; but theſe are ſpecials, and far from the generals charged on them; nor can theſe ſpecials be condemn'd in them, until *Catherwoods Altare Damaſcenum*, and Mr. *Gilleſpies Diſpute againſt the Engliſh-Popiſh Ceremonies*, (which have paſſed with much approbation through all the Reformed Churches, and I preſume, miſſed not *Oxford*) be fully anſwered.

Corpus Confeſſi. Conf. Scot. Art. 20. *p.* 120, 121.

Artic. 8. *p.* 118.

4. But wherein lieth *the tendency* of theſe principles *to Superſtition and Schiſm*, that theſe learned men *think of*? As to their nature they are *negative and excluſive*; and I deem a denial of any of Gods appointments to be *prophaneneſſe not ſuperſtition*. I am apt to think *Superſtition* to be a poſitive innovation and erection of ſome *new matter and action* into the worſhip of God on mans *meer will and invention*, without Gods inſtitution, I remember Mr. *Blake* denieth the *baptizing of Bells, or the Horſe in Huntingtonſhire*, to be Superſtition, and damns it as a prophane miſapplication of Gods Ordinance: How then the excluſion, neglect, or prophane eſteem of *Biſhops and Ceremonies* can tend to Superſtition, I confeſſe I ſee not. Think you Sir, the Learned men of *Oxford* did deem *Biſhops and indifferent Ceremonies* to be ſuch immediate inſtitutions and eſſential parts of Divine worſhip, that they think a profane contempt of them might tend (by excluſion thereof,) to make way for ſome innovation in their

their room; then I alſo will think they *tend towards Superſtition*, but muſt think they are not *indifferent*:

I wiſh Sir, they have not miſtaken the *Scotch* notion of a *true Church*, which is oppoſed as well to a *corrupt*, as falſely conſtituted Church; the *Magdeburgenses* do ſo oppoſe it in the very ſame caſe, *Vera enim ecclesia, &c.* For, *a true Church, as it retains pure Doctrine, ſo alſo it keeps ſimplicity of Ceremonies; but an hypocritical Church for the moſt part, changeth the Ceremonies inſtituted by God, and multiplieth to its own traditions.* And Biſhop *Halls Vere and vera Eccleſia*, is no ſtranger at *Oxford*, and if then *Scotland* (concluding her Government to be according to the Word of God) ſhould ſay, *De ſpecie, It is the ſign of a true (that is, a pure) Church beſt Reformed, becauſe the erecting of the Throne of Chriſt*, doth it not tend more to provoke Reformation of Churches truly conſtituted but not compleated, than to ſtirre up Schiſm? For they do ot, nor ever did deny communion with Churches herein defective, and under male-adminiſtration of Diſcipline and Government.

Gent. 2da, c. 2. col. 109.

Subſectio quinta.

We ſee Sir, very little ground to ſtumble at the preſervation of the Doctrine, Worſhip, Diſcipline, and Government of the Church of *Scotland*; let us try the ſtrength of their exceptions againſt the endeavor of the Reformation of theſe in the Kingdom of *England*: And to this they tell us,

Oxford exceptions to Reformation of *England.*

They are not ſatisfied how they can ſwear to endeavour the Reformation of Religion in Doctrine, Worſhip, Diſcipline, and Government; which without making a change therein, cannot be done. For this they urge three grounds or reaſons, which ſeem to be of weight.

1 *Reaſon* for this exception.

The firſt whereof, is,

Without giving manifeſt ſcandal to the Papiſt and Seperatiſt, By *Yielding the cauſe, which our godly Biſhops, and Martyrs, and all our learned Divines (ever ſince the Reformation) have both by their Writings and Sufferings, maintained; who have juſtified againſt them both the Religion eſtabliſhed in the Church of* England, *to be agreeable to the Word of God.*

2. *Juſtifying the Papiſts reproach and ſcorne We know not where to ſtay, what is our Religion, and that it is a Parliamentary Religion.*

3. *A*

3. *A tacite acknowledgement, that there is ſomething both in Doctrine and Worſhip (whereunto their conformity hath been required) not agreeable to the Word of God, and ſo juſtifying the recuſancy of the one, and ſeparation of the other.*

4. *An implyed Confeſſion that the laws and puniſhments of Papiſts for not joyning in that forms of Worſhip, which our ſelves (as well as they) do not approve of, were unjuſt.*

A very fair and ſpecious exception! To which, Sir, I ſay,

1. That it is well, *Scandal is* at length become an Argument of any force: Had it been regarded when rightly pleaded by the *Nonconformiſts* (enemies to ſeparation, as well as Popery) there might not have been *a Solemn League and Covenant* to conſtrain its plea in a caſe wherein (under correction) it ſeems to have loſt its force: For if, Sir, we have through ignorance practiſed, or wilfulneſs perſiſted in any ſinful Superſtitious courſe, concerning which we have been admoniſhed by ſome, and declined by others, and yet being armed with power did conſtrain a compliance with us, ſo that a Receſſion from the ſame muſt be our ſhame, and their ſcandal to whom we would not hearken; I hope we muſt not, for fear thereof, go on in ſin, and refuſe ſo much as *to endeavour a Reformation*: If in this caſe ſcandal had been of any force, how, or when had Proteſtant Religion been effected by ſuch who had burned for *Hereticks*, all that were but ſuſpected of inclining to it? Were not the Papiſts then as much and more ſcandalized as now? Is Scandal of any more force in the following degrees of Reformation, than in the firſt act thereof? Though it is a ſtop to ſin, and ſtay of violence in impoſing things indifferent, muſt it be of any ſtrength to barre duty in the endeavors of Reformation? I believe, Sir, profeſſors of Phyſick and Chirurgery, will not conſent ill humors to go unpurged, or feſtred, incurable members uncut off, becauſe ſome will be ſcandalized, that their advice was not ſooner minded, and others at the paſt, real, and now-ſeeming cruelty acted by the preſent change.

2. It is to me ſtrange, to ſee *Papiſts and Separatiſts* conjoyned as objects of the ſame ſcandal: I am ſure the reaſon and ground muſt be directly contrary; *Continuance* of corruption to the one; and *Removal* thereof to the other; the *Separatiſt* is

offended that there were so *many* Popish Ceremonies retained, and that *so long*, when by him too rigidly resisted: The *Papist* that there were so *few*, and likely to be gone *so soon*: But I presume, they are supposed *in aliquo tertio convenire*, to agree in some other capacity; The things are now to be Reformed; for non-observance of which they were both afflicted; and then Sir,

3. The *Scandal* seems to be a meer fancy springing from a fallacy in these words, *The Religion established in the Church of England*; which these serious Casuists (with reverence may I note it) do to me seem sophistically to understand in a sence different from the words of the Covenant, which are these, *The Reformation of Religion in the Kingdom of* England *in Doctrine, Worship, Discipline, and Government.*

It must therefore be observed, that *Religion* as it denoteth the *matter*, substantial *parts*, and essential *form* of divine Worship, is different from the *Circumstances, Order, and Ceremonies* annexed thereunto, and only as appendants thereof deemed *Religious*, which are conversant about, and separable from Religion, liable to alteration as the prudence of men doth direct; and none but ignorant Idiots will deem the change of them *a change of Religion*; for these are different in the *Reformed Churches*, whom yet, (I hope) the *University of Oxford* will own to be of the *same Protestant Religion* with the Church of *England*, agreeing in the *same faith*, though not subscribing the *same formal individual Articles*; administring the *same worship*, though not in the *same order*, and with the *same Ceremonies.*

Again Sir, we must distinguish between what is *established*, and what is *exercised* in the Kingdom of *England*: Though we do not justifie, nay, believe a necessity of Reformation in many particulars in the *Doctrine, Worship, Discipline, and Government established*; yet we know in all these particulars, many gross and absurd corruptions brought in, and continued by a strong hand, were exercised *in the Kingdom of England*; and that in reference to all these particulars: 1. For Doctrine, as *that auricular confession and penuance was necessary and profitable for Christian men, and in Christs Church; That Christians must have Altars, and bow to them as towards Gods mercy-seat, and the place of Christ his real presence on earth: That Jesus Christ*

and

and his paſſion are offered up as a Sacrifice in the Sacrament of the Altar: That Crucifixes, Images, and Pictures of Chriſt, God, and Saints, may be lawfully and profitably uſed and ſet up in Churches: That the Pope or Papacy is not Antichriſt: That there are Canonical houres of prayer which ought to be obſerved: That Churches, Altars, Chalices, and Church-yards, ought to be conſecrated: That men had free-will of themſelves to believe and repent: That men might totally and finally fall from grace: That Sunday is no Sabbath: That Biſhops have a Superiority of Order and Juriſdiction above other Miniſters, and that by Divine Right: Nor can there be a true Church, where there are not ſuch Biſhops: Theſe and many ſuch like (it is well known) were *publickly preached* by *Mountague*, *Cozens*, *Pocklington*, *Shelford*, *Dowe*, *Reeves*, *Adams*, and others, and the Preachers defended even in the Univerſity from cenſure for them; nay, theſe were *Printed* in ſeveral Books of the ſame Authors, licenſed and allowed by the Archbiſhop and his Chaplains, and many of them *aſſerted in the viſitation Articles* of ſome Biſhops, and yet were not eſtabliſhed in the Church of *England*. As in *Doctrine*, ſo *in worſhip*, many corruptions were innovated and exerciſed: As, *Bowing at the Name of Jeſus: The turning Communion-Tables into Altars, or Altarwiſe, and Railing them in, furniſhing them with Candleſticks and Tapers: Tying the Goſpel, the bleſſing, and other parts of the publick ſervice to that place incloſed, and bowing to theſe Altars: The making Crucifixes and Canopies, pictures of God, Chriſt, the Holy Ghoſt, Virgin Mary, and other Saints in our Church-windows: Conſecration of Churches, Fonts, Bells*, and the like: All which, and many ſuch, were firſt innovated to the Chappel at *Lambeth*, and ferried over to *White-hall*, and ſo tranſmitted to all Cathedral, and almoſt all Pariſh Churches; and yet were not eſtabliſhed by Law, though enforced by the corruption of Diſciplſine in the *Viſitation Articles* of Biſhop *Wren*, Biſhop *Mountague*, Biſhop *Peirey*, Biſhop *Lindſey*, and Biſhop *Skinner*, and others in their ſeveral Dioceſſes; and by the ſilencing, ſuſpenſion, excommunication, and impriſonment, and High Commiſſion vexation of Mr. *Chauncey Vicar*, and Mr. *Parker*, an Inhabitant of *Ware*, Mr. *Burros* of *Colcheſter*, and many others: Nor was *Government* any more pure, if we conſider

how it was exercised in the *High Commission*, and *Star-Chamber*, with all rigor, cruelty, and injustice; and in *Visitations*, *Citations*, *Probate of Wills*, *Letters of Administration and Excommunication* in the name, and under the Seal of the Bishops themselves, never authorized thereunto: All which were evidently needful to be reformed, as having been so publickly exercised, and potently defended, and might well enforce a covenanted endeavor to reform Religion in the Kingdom of *England*.

I well know, Sir, that the *change of Religion* makes a great sound in the world, especially if *established*: I cannot be insensible of the noise made by it against our *first Reformation*, and must expect the Eccho to follow all after acts and degrees thereof, for all changes are *scandalous*, and many very dangerous: If therefore these Masters and Scholars of *Oxford* could rationally conceive the Covenant to bind them to endeavor *a change of Religion in the substance, matter, and essential parts and form thereof*; then I must confess their exception is very important; for we cannot deny that our *Bishops, Martyrs, and Learned Divines, have by Suffering and Writing testified it to have been agreeable to the Word of God*: And that to resolve that into the power and pleasure of a Parliament (who may direct and authorize the profession, but not prescribe the matter or form) were to make it *a Parliamentary Religion*; and the change thereof must needs condemn our *Laws*, and the *punishment of Papists not joyning with us* as unjust, and so *justifie Papist and Separatist*; *the one in his recusancy, and the other in his separation*.

But, Sir, when I consider the *Religion of Scotland* to be preserved as the concomitant and provocation, the *Word of God* to be the Rule; and the *best reformed Churches* (professing the same substantial Religion, though differing in administration and order) propounded as the pattern; I see not how right reason can render any such sence of it; and the rather, for that *Reformation*, not alteration of Religion, is the *formal act* which presupposeth the continuation of the subject about which it is conversant.

But, Sir, if they (as they needs must) by Religion understand *the order and annexed Ceremonies appendant to Religion*, whether established, as was *the Cross in Baptism, holinesse of*

dayes,

dayes, and order of the Liturgy, and the like; or only exerciſed and enforced by Prelates power and countenance, as the *corruptions before mentioned*; then we muſt ſay their exception is of no weight, nor the reaſon any thing worth; for this change can be no ſuch *ſcandal*, as is conceived; for we deny them to have been teſtified by *our Biſhops, Martyrs, and learned men, by any Sufferings or Writings* (untill of late by the perſons and ſuch like before mentioned) *as agreeable to the Word of God*; and muſt put them to the proof of it; we think we are able to produce *Tindal, Latimer, Hooper, Ridley, Farrar*, and many other Martyrs, by laying down their *Biſhopricks*, and other conteſts and ſufferings to have teſtified againſt them, and Mr. *Cartwright, Baines*, and many *Devonſhire, Cornwal*, and *Lincolnſhire* Miniſters, and others, ever ſince the Reformation by Writing, Petition, Remonſtrance, Apology, and Sufferings to have teſtified againſt not only the *corruptions exerciſed* (againſt which our *Jewel, Fulk, Whitaker*, Archbiſhop *Parker*, Dr. *Ward*, Dr. *Brownrigge*, Dr. *Bancroft*, and all ſound and learned Divines, not devoted to return to *Rome*, have written) but even the *very Order and Ceremonies eſtabliſhed*, as being *not agreeable to the Word of God*: And if theſe learned Gentlemen had pleaſed to obſerve the *Viſitation and high Commiſſion proceedings*, they might have found *Prynn, Burton, Baſtwick, Layton, Workman, Langley, Hind, Nichols, Ball*, and many others (known learned men) who were ſilenced, ſuſpended, impriſoned, ſtigmatized: and in much Sufferings teſtified, theſe appendants to our Religion, whether eſtabliſhed or exerciſed, to be no way agreeable to the Word of God; and I know not whom they can mention as a Martyr for them, unleſs it be *Lawde the late Archbiſhop*, the grand Innovator of our Church.

2. If therefore our Religion be by Papiſts or Prelates reproached as *a Parliamentary Religion*, we will rejoyce in our reproach, and bleſs God we had a Parliament that had zeal to improve their power about thoſe things that were properly ſubject thereunto.

3. Nor can this Reformation *juſtifie the recuſancy of the Papiſts*, becauſe theſe things never became a Reaſon for their *recuſancy*, further than they occaſioned their obduracy by aſſuring their hopes of *Englands* return to them: Nor the *Separation*

of the Separatiſts, for that the corruptions eſtabliſhed, were never made ſuch eſſential parts of worſhip, as to make a ſufficient ground for ſeparation. The Maſters and Scholars of *Oxford* cannot have been ſo little obſervant, as not to know that the ſober, zealous *Non-conformiſts* who groaned under the burden of theſe corruptions, and for this Reformation were grieved by, and greatly contended againſt the * *Separation*, as that which was without ſufficient ground; yet like Jeſus Chriſt their Maſter, kept Communion with a Church, whoſe Doctrine and Worſhip was very much in need of Reformation, and taught men ſo to do: granting, *There was ſomething in the Doctrine and Worſhip of the Church of* England *not agreeable to the Word of God*, and yet not enough to lay a ground for ſeparation.

Witneſs *Cartwrights* defence of the Church-ſervice.

* Mr. *Geree* his *Vindiciæ eccleſiæ Anglicanæ*, ſhewing neceſſity of reformation, not Separation. And Mr. *Balls* two Books againſt Mr. *Cana*.

4. Much leſs doth this endeavor *judge the Law againſt, and puniſhment of Papiſts as unjuſt*, which never had theſe pieces of Religion for their ground or reaſon.

You ſee, Sir, that the firſt ground of theſe learned mens diſſatisfaction, as to *the covenanted endeavor of Reformation of Religion in* England, *in Doctrine, Worſhip, Diſcipline, and Government*, is clearly groundleſs, ſuppoſing a change, and ſuggeſting a ſcandal not to be ſuppoſed: Let us try the ſtrength of their ſecond reaſon for this exception: And that is,

2. Reaſon for this exception

They could not covenant this Reformation without wrong to themſelves, their conſciences, reputation, and eſtates, in bearing falſe witneſs againſt themſelves, and ſundry other wayes ſwearing to endeavor to reform that as corrupt and vitious, which they had by their perſonal ſubſcription approved as agreeable to the Word of God, and for which they had not been condemned of their own hearts, nor convinced by their brethren that therein they did amiſs.

2. *Which they are in conſcience perſwaded, were not againſt the Word of God as they ſtand eſtabliſhed by law.*

3. *Which they believe to be in ſundry reſpects much better, more agreeable to the Word of God, and practice of the Catholick Church, than that to be preſerved in Scotland.*

4. *To which all Clerks admitted to any Benefice, are required to aſſent.*

To

To theſe reaſons, Sir, I ſhould have anſwered.

1. *Credit* is indeed a matter of concerment, and *Reputation* is to be regarded, and our *Eſtate* by all juſt, prudent meanes duely preſerved; but they are not equivalent to the *purity* of Goſpel adminiſtrations, nor muſt be admitted barres to duy, or ſtays from the endeavour of a neceſſary Reformation when called for.

2. We are at a loſs to underſtand their terms; the *eſtabliſhment by Law* is not expreſſed in the Covenant; and many corruptions we have noted, were exerciſed, not eſtabliſhed: The endeavour of a Reformation of them (though not them only) was, and is required; and it is very doubtful how or where to find and prove *an eſtabliſhment by law*, to which they ſo much cleave; yet I hope the defect in proof thereof, will be no juſt demurre to the endeavour of a Reformation of what is really *vitious and corrupt*, whether eſtabliſhed, or only exerciſed.

We muſt alſo entreat a comment on theſe words, *the practice of the Catholick Church.* It is well known, that *Rome* doth engroſs and monopolize this Epithite: nor can the *Worſhip, Doctrine, and Diſcipline of the Church of England* admit it to be predicated of any ſo well as that; for all reformed Churches do in their practice differ (and I preſume it will be hard to prove the agreement of the Primitive Churches) in theſe particulars, which were firſt derived from Apoſtate *Rome*, and have ever ſince continued as the dregs of their Catholick practices, not more to the grief of the Reformed Churches abroad, and *Non-conformiſts* at home, then joy and exultation of the Children of that Church, as a plain evidence of their continued poſſeſſion, and encouragement to expect and endeavor a full recovery of *England* into her boſom: But as to their Argument;

3 The *Doctrine, Worſhip, Diſcipline, and Government might be vitious and corrupt*, notwithſtanding their apprehenſion and aſſent to the contrary, or the ſubſcription of others required by the Law. We well know, that the Reformation of the Church in *England*, was begun on more * Political than pious principles; which did eaſily conſent to a retaining of what (was juſtly diſcharged in other Reformed Churches, embracing the adminiſtration of the Goſpel in its ſimplicity; for the ſake of its naked

* *Henry* the 8th his diſcontent at the Pope.

naked self) might consist with those Publick ends which did provoke it; and Policy being the principle predominant in the first, hath strugled against piety unto this last act, and is not yet mastered; and I presume, the Scholars and Masters of *Oxford* will not plead an immunity from policy, passion, and prejudice, when they are to pass judgment against *their credits, reputation, and estates*; as in the case of this Covenant, they apprehend they were to do; and that these principles will provoke us to yield our own, and exact from others an assent to things *as agreeable to the Word of God*, which in themselves are *vitious and corrupt*, no serious man or Christian can or will deny: It is wel if we find this Reason stated under a more cautious, vigilant, and pious frame of spirit.

4. But I must confess, I wonder not so much to hear these Gentlemen to profess *They had by their personal subscription approved the Doctrine, Worship, Discipline, and Government of the Church of* England *as agreeable to the Word of God*; (which might be an act of rashness, an effect of ignorance, an event of some distressed condition, or distemper of mind, fear of losing, or hope of gaining preferment,) as to hear them say, That *this was enjoyned by law to them, and all that were admitted to benefices*: That the *Doctrine* of the Church was to be *assented unto*, I grant is by *Law established*; but the assent to *Worship, Discipline, and Government*, I observe, not to be enjoyned by any full and formal Law: I find indeed, something relating to Discipline *in the ordering of Deacons and Priests, Bishops and Archbishops*, and *the Churches power about traditions, and Rites, or Ceremonies*, inserted into the 39. Articles? but how, or by what Law they are established, I know not: The Statute requiring Ministers assent, doth not specifie the Articles particulary; and the general Note whereby to know them laid down in the Statute, is this, *Articles of Religion which ONLY concern the Confession of the true Christian Faith and Doctrine of the Sacraments*: This particle ONLY, is, in my judgment, exclusive to Discipline and Government; and how these came into the Articles, I know not: only I find the *Epistle* to His late Majesty, before the * *Quench-Coal*, to charge corruption and forgery to have been acted about these Articles, and earnestly implores justice against the Forgers and Obtruders thereof; and untill the Legality of the

13. *Eliz.* 12.

* A Book supposed to have been written by Mr. *William Prynn.*

Canons

Canons of 1603. and sence thereof be clearly asserted, and fully vindicated from the * exceptions which are urged against them we must be at a loss for their *establishment*; for if the King had not authority by vertue of the Statute pretended, or the matter of them be repugnant to standing Statutes, as is suggested, the *establishment of Worship, Discipline, and Government by law*, must abide very doubtful; but the University of *Oxford* might make a Law unto themselves, to which these Gentlemen might refer: But

* Necessity for Reformation. p. 56, 57, 58, 59.

5. Whether *established or exercised*, I think it very strange to see these learned men on serious thoughts to profess *their own hearts did not condemn them, nor had their brethren convinced their judgements they had done amiss, by their personal subscription to approve the Doctrine, Worship, Discipline, and Government of the Church of* England *to be agreeable to the Word of* GOD, *but that thereof they were still perswaded.*

Sir, what effect had been wrought on their consciences, I cannot tell: I will hope they were not *seared*, or shut up by a resolution of *non-perswasion* to the contrary; yet had I been amongst them (with submission) I must have expostulated with them, and enquire,

Whether they had not subscribed to the *use of the Common Prayer, and form in the said Book prescribed in publick prayer, and* NONE OTHER. Did none of these Masters publickly *pray* in St *Maryes* in *Oxford*, and other Churches, before and after their Sermons? Were not such prayers *publick prayer*? Did they at such times use the *Common Prayer*? If not, did not their consciences mind them of their *subscribed promise* solemnly made in entring on so holy a calling? Are not *NONE OTHER*, words as fully exclusive of their own forms extemporary or premeditate, as can be expressed? Admit we this *Common Prayer* to be lawful, yea necessary, is not this exclusive subscription a plain limitation of the Spirit, rejection of the gift of prayer, and robbing the Church of Ministerial parts unto prayer, as well as preaching to the edification thereof? Did Christ, when he prescribed the most perfect prayer, tye his Disciples to use that and *None other*? Can any rationally-religious man, subscribe this promise, and approve it to be agreeable to the VVord of God,

Enjoyned to be subscribed by every Minister before he be ordained, in Canons of 1603. Ca. 36.

and ſtand perſwaded it is not contrary thereunto?

Secondly, Is it agreeable to the Word of God to affix a ſentence of mans conception and framing to divine ſervice, and denominate it *a Sentence of Scripture*? In the Rubrick of the Common Prayer, the Prieſt is appointed to read one of *theſe ſentences of Scripture which follow*: The very firſt of which is, *At what time ſoever a ſinner repenteth him of his ſin from the bottom of his heart, I will put all his wickedneſſe out of my remembrance, ſaith the Lord*; the which is referred in the Margine (as are the following ſentences to their places) unto *Ezek.* 18. 21, 22. (to ſay nothing of the effect, though accidental of this ſuppoſed Scripture) how many have been deceived, really believing it to be a Sentence of Scripture, when it is not found in all the Bible? Methinks theſe men ſhould have obſerved how our late Maſters had corrected this groſs and obvious fault in the *Scotch Liturgy*, before they had thus confidently told the world, *They were perſwaded there is nothing in the worſhip of* England, *which is not agreeable to the VVord of God.*

As is Dr. *Boyes* in his Expoſition of the Liturgy. p. 1.

Thirdly, In the VVorſhip of *England* much of *Canonical Scripture is omitted*, and never to be read (a fault complained of by the firſt Compilers of the Common-Prayer-Book) and much of the *Apocrypha*, vain, falſe, and ridiculous, is appointed to be publickly read; the great Bible-Tranſlation of the Pſalms, is thruſt out, and a moſt corrupt Tranſlation of them, *omitting* ſome whole ſentences, *adding* whole verſes; and *falſly tranſlating* many places and Texts, is affixed unto the Common Prayer-Book, and made part of it: Some part of Scripture is dignified above other parts thereof; the *Goſpel* muſt be honoured with the *ſtanding up of the people*, the *Epiſtle* (no way different in the matter, *Chriſt crucified*, but only in the name and manner of Revelation from the Goſpel) is ſlighted: Will the Gentlemen of *Oxford* ſay this is *agreeable to the VVord of God*? They muſt prove it; for we ſhall not believe them; and the rather for that this groſs abuſe is palliated by this falſe profeſſion in the Preface to this Book, That *nothing is ordained to be read, but the pure VVord of God, the holy Scriptures, or that which is evidently grounded thereupon*; and the rather, for that we find the Common-Prayer-Book condemned (in reſpect of theſe particulars) by Dr. *Spark*, no mean Son of the Church.

Vide. The Preface of it.

The titles of the Pſalmes.
Pſa. 72.
Pſa. 14.
Pſa. 105, 28.

Vide. The Anatomy of the Service-book. p. 18.

Fourth-

Fourthly, Will theſe Maſters and Scholars ſtand perſwaded, that the *extraordinary Solemn Worſhip* appointed by the Common-Prayer-Book *unto holy dayes and their Eves*, is agreeable to the Word of God, wherein every particular *holy-day* hath its diſtinct and particular *Collects*, *Epiſtles*, *and Goſpels*, as its Solemn Service appointed: not to inſiſt on the ſuppoſed influence of that reputed ſanctity on *the Six or Seaven days following*, directing the ſame ſervice to be impertinently continued; as in the Feaſt of the *Nativity*, *Eaſter*, *Whitſuntide*, *Aſcenſion*, and others; nor the *unwarrantable preheminence* given to ſome parts of Scripture above others; or the irrational denomination of ſome Prophetical and Hiſtorical portions of Scripture *Epiſtles*; all which are well urged by many Non-conformiſts. I would enquire, what part of Sacred Writ ſtamps Sanctity on *Wedneſday and Friday*, more than the other four dayes of the week, and ſets them into a parity with *Sunday* (to retain their Dialect) that the ſame more Solemn ſervice ſhall be read on thoſe dayes, as on that day? By what Scripture-warrant mediate or immediate, are other dayes, beſides the *Lords day*, made *holy*, or ſanctified in honour of the *Saints*, ſo as in their nature to interdict mens labour in their lawful calling, engage men to the exerciſes of Religion as oft as they return, and become Subjects of that Solemn Service, which may not on other dayes be offered unto God? Is not a Religious owning, and obſervation of ſome time, as (not appointed by the God of our time, whoſe ſole Prerogative it is to make it) Solemn and Holy time, to be Religiouſly employed, a plain and formal Superſtition repugnant to Goſpel-Rules? *Gal.* 4. 10 *Coloſſ.* 2. 16. I am not ignorant that ſome holy-dayes have been of *ancient and univerſal obſervation* in the Church, and have laid claim to *Apoſtolical tradition*, and occaſioned much controverſie in the Church; but I ſtand unſatisfied in their inſtitution: I deny not the juſt authority of the Church or Chriſtian Magiſtrate over our time; but I think there is a vaſt difference between time as the *ſubject*, and as the *adjunct* of Religion; God only can make it the firſt; humane authority may appoint *holy Faſting*, *and holy Feaſting* (thoſe tranſient acts of Worſhip dependant on, and ſubſervient unto Gods diſpenſations of providence to his people) and ſo may determine (the ſecond) time (like the dayes of *Purim*) as a neceſſary

adjunct to thoſe acts of Worſhip; but to make holy-dayes Subjects of Solemn, Sacred ſervice, I have not ſeen any Commiſſion that doth authorize the Church thereunto: Eminent Saints call for the eſteem of the Church, but the keeping of them in a Calendar, and appointing them their ſeveral holy-dayes, ſets them a pitch too high, and ſhews the Church partial, reſpecters of perſons, having ſome in admiration, and ſlighting others no leſs deſerving; or ſubjects here unto an intolerable burden, by neceſſitating every day to be Holy: The Nativity, Circumciſſion, Paſſion, Reſurrection, and Aſcenſion of our Lord and Saviour, are all myſteries or matters of reverence, eſteem, and admiration to the Church, to be duly and diſtinctly conſidered; yet (under correction of better judgments) the ſeveral holy dayes appointed to the memorial of them, is in my thoughts no leſs irrational than irreligious: I ſay *irrational*, becauſe though ſome of them be *great Myſteries*, yet they are not ſimply and in themſelves *mercies to the Church*, but as they relate unto, and center in the work of Redemption, to which they do relate as ſeveral diſtinct acts of that compleat and individual Bleſſing or Mercy; and right reaſon doth direct commemoration of all the parts in the mercies by them perfected and compleated. *Irreligious* it ſeems to me, as without any divine Warrant, nay redundant to Gods own inſtitution, who hath appointed the firſt day of the week as the day for the commemoration of the worlds Reſtitution by mans Redemption: If this be the cauſe of the change of the Sabbath (as we have been commonly taught) doth it not ſuperſede the appointment of the Church? God doth not mediately, what he doth immediately; or by Commiſſion, what is done in his own perſon I well know, ſome in their *Conteſts for Holy-dayes* make the *Sabbath* changeable at the Churches pleaſure; and if theſe ſeveral acts of Redemption be commemorated in their diſtinct holy-dayes, I ſee not how we can avoid a return to the Jews Sabbath; for the fourth command muſt needs be moral; and this method takes away the reaſon of the alteration of the day. Now Sir if the *holy daies*, the foundation, be Superſtitious, ſure *Oxford* will not ſay the ſuperſtructure, or Solemn, Special ſervice, is agreeable to the Word of God!

Fifth-

Firſtly, Again Sir, will the Maſters and Scholars of *Oxford* ſay, the very *order and method of the Common Prayer is agreeable to the Word of God?* How do they ground their perſwaſion concerning the *Verſicles*, *Popular Reſponds*, *Intermixtures*, *Abbreviations*, *Abruptions*, and *ſtops*, and preſent poſtings on again, with a *Let us pray*, wenn nothing but prayer is in hand, that they are *agreeable to the Word of God?* I obſerve the firſt Compilers of this Book, to leave a blot on this method, by taking away many *Verſes*, *Reſponds*, *Anthems*, and the like, *which did interrupt the duty of reading the Scriptures together*, and that for this very reaſon, but *à quatenus ad omne valet conſequentia*: The number is not only to be abated, but all things of this nature, obſtructive to, and inconſiſtent with the Solemn, and ſerious, entire performance of any particular Act or Duty of Religion, ought to be aboliſhed: Doth the VVord of God allow *mute ſervice*, or private devotion in the publick Aſſembly? What warrant is there in the publick ſervice of the Church for a ſilent ſpace of time, that the *ſecret prayers of the people* may be ſent to heaven, as is directed at the Ordination and Conſecration of Prieſts and Biſhops? The reaſon therein declared, is, That *Jeſus Chriſt prayed all night*, before He ſent out His Diſciples; and the Church of *Antioch prayed*, when they ſent out *Paul* and *Barnabas*; but they do not tell us whether Chriſt were in *an Aſſembly* when he prayed alone; or whether the Church of *Antioch* had a *ſilent pace* in which they ſecretly prayed; nor whether the prayer of the one or of the other, were mental, or vocal; but I obſerve it was joyned with *Faſting*, in which our order agreeth not, whilſt any *Sunday* or Holy-day, and a ſhort ſpace thereof will be an opportunity ſufficient for ſuch a work.

So do the very Papiſts, *Antiphonæ, reſponſoria, verſiculi & ejuſmodi minuta; non videntur neceſſaria; impediunt enim curſum pie & utilis lectionis.* Spalat. l. 17. c. 12. Art. 96. *Verſiculos, reſponſoria & capitula omittere idcirco viſum eſt, quoniam legentes ſæpe morentur.* Card. Quiquonius.

VVhat Text of either Old or New Teſtament, allots to the people other portion of publick prayer, ſave to ſay *Amen*? In reſpect of which prayer is preſcribed to be in *a known tongue to their underſtanding*, How ſhall we make the peoples vocal *reſponds*, *ſalutation*, *ſupplication for mercies*, *deprecation of miſeries*, *meerly and only recited by the Miniſters*, *agreeable to the Word of God*? Muſt it be by the *ſalutation* of *Boaz* and his Reapers? or *Mary* and *Elizabeth*, to which Dr. *Boyes* referreth it? it muſt then be proved, that *Boaz* was in the publick Aſſembly,

1 Cor. 14. 15.

Expoſition of the Liturgy. p. 40.

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bly, and *celebrating divine service*; and so for *Mary* and *Elizabeth*; and that it was not a *civil complement*, expressed in *Religious* words on an *occasional* meeting each with other, as becomes Christian friends; and that such pieces of civil respect witnessing reciprocal affection, are parts of Solemn Worship to pass between the Pastor and People in the celebration thereof.

I shall not deny *sighs, and short ejaculations*, to be ardent expressions of the mind and affection, and find acceptance with God; but question the suitableness thereof to standing, solemn, and publick Worship. I yield to Dr. *Boys*, that the *Publican* did affectionately dart out his *Lord be merciful to me a sinner*! and the Woman of *Canaan*, her *Have mercy on me, O Lord*! and blind *Bartimeus*, *O Son of* David, *take pity on me*! But (by his leave) I must say these were *personal*, not publick; *occasional, not fixed, ordinary Worship*; *extemporary* on the occasion; not *premeditated*, much less *prescribed*; nay I will grant what he saith *Augustine* Reports of the Christians in *Egypt*, and which History mentioneth of other Churches: Yea, I could be easily convinced, that in the very first Age of the Gospel, many Christians did in the Assembly utter their short expressions, and darting prayers; *preces raptim quodammodo ejaculatas*: But yet it would be noted they were *ejaculations personal*, expressed in *a sacred rapture*, on the sudden *ebolition of the Spirit*, which without doubt wrought in prayer, as in Prophecy and in Psalmes, the heat whereof required the Apostles restriction and regulation, affection leading into confusion; and so can be no warrant for such *premeditated, ejaculative expressions*, to be prescribed *in set and publick prayer*, wherein all things by a Rule restraining this very method under the fervency of the Spirit, *Let all things be done decently and in order*, are to be regulated; that therefore might be admitted and exercised in the Church, and acceptable to God, in private, and personally expressed, or on the immediate ebolition, or boyling up of the Spirit, and in the heat of affection, in the infancy of the Church, which will not be so in the publick and prescribed prayers of the Church in her Adult estate, in which she must appear more serious and composed; and so will not render this Order of Worship agreeable to the Word.

1 Cor. 14.

Sixthly

Sixthly, Will the Maſters and Scholars of *Oxford* ſay that the *Rites and Ceremonies* annexed to the Worſhip of God, are agreeable to the Word of God, *viz. The Croſs in Baptiſm, Surplice in divine ſervice*, ſuppoſed to be eſtabliſhed? Or thoſe ſince preſſed; as, the *Bowing at the Name of Jeſus: Turning Tables into Altars, and Bowing to them, and placing on them Candleſticks and Tapers: The Conſecration of Churches*, and the like; though I ſhould (which I confeſs I cannot) admit what is pretended in the Preface to the Common-Prayer-Book, *that they are apt to ſtirre up the dull mind of man to the remembrance of his duty to God by ſome notable and ſpecial ſignification, whereby he might be edified*; yet I muſt enquire by *what authority* are they appointed? the higheſt pretended is the *Church*; and I ſee no Commiſſion the Church hath to appoint ſuch things: If I miſtake not, the power of the Church is *declarative, executive, and Miniſterial*, not *judicial and magiſterial*: She may publiſh the matter, and preſcribe the Order of Gods Worſhip; but not conſtitute or ordain new matter, *though never ſo much tending to edification*, againſt which ſhe is expreſly barr'd by the 2*d.* Commandment. And if ſhe hath power to continue our Ceremonies becauſe *ſignificant*; why, or how ſhall thoſe be excluded, which are *more antient and ſignificant*? Such as were *the baptizing for the Dead, putting Cream and Honey into the mouth of the baptized; inſufflation, and ſpitting at the Devil and the World; and coming to baptiſm in a white Garment which was left behind* (and profitably produced as a pledge againſt *Elpidophorus*, when Apoſtatized from the Faith in which he had been baptized) and many ſuch like, which *Tertullian* mentioneth as uſed in the Church, in the Year of our Lord 62. in the times of the Apoſtles, than which, the uſe of the Croſs cannot be more ancient, nor is it indeed ſo ancient: If then the Church have not a power to ordain them, on what baſis do all our Ceremonies ſtand, ſave that prophane Maxime, *No Ceremonies, no Biſhop*? Before it be determined that theſe Ceremonies are agreeable to the Word of God, I wiſh it may be determined, whether the appointment and Religious exerciſe of matter ſignificant (and ſo in it ſelf tending to edification) not inſtituted by Jeſus Chriſt, be not the very formality of Superſtition?

Tertul Coron. mil. p. 1. 449. *Contra Marcion. lib.* 7. *p.* 155.

Seventhly,

Seventhly, and Laſtly, Is it agreeable to the Word of God, *in ordination to divide the work of the Miniſtry?* and give authority to apply one of the *Sacraments*, and not the other? to baptize, but not adminiſter the Lords Supper otherwiſe than as Aſſiſtant to him who hath miniſterial power of conſecration, as it is done in the Ordering of Deacons? Again, is it agreeable to the Word, to denominate Goſpel Miniſters *Prieſts* (which properly relate to a Sacrifice and Altar?) If ſo, why did our late Maſters altar the Title into *Presbyters* in the *Scotch* Liturgy? It is agreeable to the Word, that the Miniſters of Jeſus Chriſt *ſwear*, or Solemnly promiſe *obedience unto their fellow Miniſters*, under the notion of an ordinary and Cheif Miniſter? It is reaſon they keep order, and be ſubject to the Aſſembly; but parity of Office and Authority, admits not of obedience. Is it agreeable to the Word, that *Biſhops ſweare*, or Solemnly promiſe *obedience unto the Archbiſhops*? If ſo, why not Archbiſhops to Cardinals or Patriarchs, and they to the Pope? Is it becauſe the Sea bounds our Papacy? Is it in the forme of ordination agreeable to the Word, that the Biſhop ordaining, do Magiſterially repeat the words of Jeſus Chriſt who had a power and did effect it, (*viz.*) *Receive thou the Holy Ghoſt; Whoſe ſins thou doſt forgive, they are forgiven, and whoſe ſins thou doſt retain, they are retained?* as actually giving the *Holy Ghoſt* as a qualification for that Office, and after this to give authority of adminiſtration with a *Take thou authority to preach the Word of God, and to miniſter the Holy Sacraments.* Is it agreeable to the Word of God, by a ſpecial, Solemn, and Religious act, to Conſecrate unto a degree convenient and only neceſſary for the method and Order of an Aſſembly? as if it were (and indeed however others think, by reaſon of the variation of the word, I believe it was intended to be) an actual Ordination to a diſtinct Office of Miniſtry in the Church, like the Cheif Prieſt-hood among the Jews? I am at a loſs in Civil or Religious Policy, to finde a warrant for ſo Sacred a forme in an advancement to a degree, yet I will not deny the formalities of the Chaire; Is it agreeable to the Word of God, that *excommunication* (the laſt and greateſt of Cenſures) do proceed without *admonition*? and be inflicted *ipſo facto*, before obſtinacy the proper and only ground of it be detected, much

leſs

leſſe convicted? and that ſo dreadful a Cenſure be denounced on the non-obſervance of Rites and Ceremonies declared *indifferent*, and other light and frivolous occaſions? nay, on the very diſcharge of duty? As, ſuppoſe an exerciſe in a Market-Town, or a Faſt kept in the Pariſh Church on the occaſion of ſome ſpecial exigency of that Pariſh; or by a Miniſter in a private family, whoſe domeſtick concernments may call for the houſe and *family to mourn apart*, and intreat the aſſiſtance of their ſpecial particular friends in prayer; and yet in all theſe caſes it is directed in the Canons made by the Convocation in *London*, of which the Biſhop of *London* ſate Preſident, *Anno* 1603. Canons of 1603. Can. 72.

Sir, theſe things, and ſuch like, in the *Worſhip, Diſcipline, and Government of the Church of England*, are obvious; and have been often urged as needing Reformation; and as Reaſons Apologizing for the Non-ſubſcription of the Sober, Learned, and Pious *Non-conformiſts*, ever ſince the Reformation, as by Mr. *Thomas Cartwright*, the Miniſters of *Devonſhire and Cornwal*, the Miniſters within the Dioceſs of *Lincolne*, and many others, whoſe Printed Books could not but have been ſeen by (at leaſt ſome of) the Maſters and Scholars of *Oxford*; and might have convinced their judgments, that *they had done amiſs by their perſonal ſubſcription to approve that all things in the four ſpecified particulars, were agreeable to the Word of God.*

Sixthly, Their confidence that all things in theſe four ſpecified particulars, are agreeable to the Word of God, and need no Reformation, may well engage them to conclude, that they are *much better than thoſe of* Scotland, *which they wear to ſwear to preſerve*: For, the Doctrine, Worſhip, Diſcipline, and Government, in the Church of *Scotland*, differeth in all the particulars mentioned, and ſo muſt needs be diſſonant, if theſe be *AGREEABLE TO THE WORD OF GOD*: Yet Sir, methinks the *good grounds on which they thought ſo*, might (for their clearer Apology, and ſatisfaction of other ſouls called to ſwear the ſame Covenant) have been ſpecified and declared; the rather, for that they ſeemed to be in a ſtrait when they pointed unto *the accounting of Biſhops Antichriſtian, and indifferent Ceremonies unlawful; the making their Diſcipline the mark of a true Church, and the ſetting up thereof the erecting of the Throne of Chriſt*, as things tending towards Superſtition and Schiſme, and the worſt

things in the Church of *Scotland*, which called for Reformation, rather than Preservation.

Lastly, the *Hazard of their estates* doth seem indeed to be their great stumbling block in their way to the Covenant: *All Clerks are by the Lawes yet in force, required to give their assent unto what by this Covenant is required to be reformed, and that on pain of losing their Benefice*: Which Sir, we shall admit (though it would admit a dispute in reference to many, if not all the particulars mentioned;) yet how should this demurre to the taking of the Covenant? Because the Law requires *our assent*, it will not therefore follow, *they need not reformation*, nor it is not lawful for us to *endeavour their reformation*: Many men have *assented to the Law*, who could never give the *assent required by the Law*; and by suffering, shewed that the Law is their burden, binding them to *suffer*, whilst it requireth what they in truth and good Conscience *cannot yield*: But must good men continue under this burden, and take no care to ease themselves? Is it a sin for men to covenant in their places to endeavour the removal of a burdensom Law? Or might not the Reformation covenanted, be so endeavoured?

Nay Sir, on the consideration of the whole Reason, can such endeavour be any *wrong to mens consciences, reputation, or estate*? and then there is no strength in this 2*d*. Reason of *Oxford* against the covenanting such an endeavour. But we proceed to their 3*d*. Reason of this Exception.

3*d*. Reason of this exception.

The third Reason on which the Masters, Scholars, &c. of *Oxford* stand dissatisfied concerning the Covenant, or Reformation of *England* in Doctrine, Worship, Discipline and Government, is indeed the most weighty and considerable, if but clearly proved: and it is,

Their manifest danger of perjury; the Covenant in this point seeming directly contrary to the former Solemn Protestation: (I presume they mean that of *May* 5. 1641.) *which they had sworn neither for hope or fear, or other respect ever to relinquish: or the Oath of Supremacy, which according to the Laws of this Realm, and the Statutes of this University, they had sworn.*

Unto this Reason I easily grant, that contradictory Oaths do run the soul on *manifest perjury*; and if the first were lawful, the last

laſt muſt needs be ſinful, neither to be ſworn at firſt, nor obliging at laſt, if it be ſworn.

2. But the *contradiction muſt be manifeſt* and clear; not *ſeeming*, and conjectural, which may ſpring by paſſion and prejudice, to the fancy of ſuch as are willing to ſuppoſe it, (as all things look yellow to Jaundies eyes) and is not in reality ſuch to impartial Readers. It ſeems this contradiction between this Covenant and thoſe Oaths, was, to the men of *Oxford.* but *ſeeming*, though *to their beſt underſtandings* (in their then capacity I preſume) and it muſt paſs into a *certainty*, before it, diſcharge the bond to ſuch as are under it, though *ſeeming ſo to be*, might ſuſpend the act of them to whom it ſo ſeemed.

3. But let us ſee wherein *ſeems this contradiction*: It is well if it amount not to as much as the *Scotch* Notions before ſpecified, which *ſeemed to tend to Superſtition and Schiſme.*

Firſt then of the contradiction to their proteſtation, which I imagine can be no other but that of *May* 5. 1641. and ſo far as it concernes Religion, runneth thus, *I* A. B. *do in the preſence of Almighty God, vow and proteſt to maintain and defend as farre as lawfully I may (with my life, power, and eſtate, the true, Reformed, Proteſtant Religion expreſſed in the doctrine of the Church of* England, *againſt all Popery, and Popiſh Innovations within this Realm, contrary to the ſame Doctrine.*

The Solemn League and Covenant in the Article under conſideration, runneth thus; *That we ſhall ſincerely, really, and conſtantly, through the grace of God, endeavor, in our ſeveral places and callings, the Reformation of Religion in the Kingdom of* England, *in Doctrine, Worſhip, Diſcipline, and Government, according to the Word of God, and example of the beſt reformed Churches.*

Contraria contrariis juxta oppoſita magis eluceſcunt. Let any impartial eye reade theſe two Oaths thus oppoſed, and ſhew me wherein *ſeeme* the contradiction to lie: They may indeed *ſeem* different in their ſound and manner of expreſſion, but *Oxford* well knoweth, that all *diverſa*, are not *oppoſita*, all *difference* amounts not to a *contradiction*; *diverſa & oppoſita æque diſſentanea ſunt, ſed non æque diſſentiunt*; they differ indeed, but not with the ſame difference: I wiſh that on ſecond thoughts they will pleaſe to tell us whether the difference be *Re*, or *Ratione* only; the ſame thing being proteſted in the *firſt* (though not

in the ſame words, and after the manner) which was covenanted in the *laſt*: But they ſpecifie the contradiction; (*viz.*) *The Doctrine they vowed to maintain by the name of the true Proteſtant Religion, expreſſed in the Doctrine of the Church of* England, *they took to be the ſame now to be reformed and altered.*

But Sir, were they not, *in taking it ſo to be*, much miſtaken? The Covenant binds to Reforme Doctrine *in the Kingdom of England*; was there no ſuch Doctrine openly divulged in the *Court Sermons and Printed books* of *Mountague*, *Reive*, *Heylen*, *Dowe*, *Cozens*, *Pocklington*, and others before mentioned? In *Mountague*, *Apello ad Cæſarem: originum Eccleſiaſticorum*, 2 parts: *Anti-diatribæ*: *Pocklingtons Sunday no Sabbath*; *Altare Chriſtianum*: *Heylens Coal from the Altar*; *Hiſtory of the Sabbath*: *Sales* his *introduction to a devout life*: *Shelfords five Treatiſes*: *Dowe againſt Mr. Burton*: *Cozens* his *houres of Prayer*: and many other licenſed books publickly ſold in the Kingdom; and in the *Viſitation Articles* of Biſhop *Mountague*, Biſhop *Peirce*, and Biſhop *Wren* (on which many good men were vexed;) which was diſtinct, and different, (if I may not ſay) expreſly contrary to the Proteſtant Religion expreſſed in the Doctrine of the Church of *England*: And did not theſe need Reformation? And is it not the duty of every good Subject and Proteſtant in maintenance of this Religion, to endeavor a *Reformation*, alteration, and total expunction of ſuch Doctrine, and ſo to Covenant? And then Sir, where is the contradiction? In this ſenſe the Proteſtation and Covenant do plainly *coincidere*, and agree in one and the ſame thing.

But, Sir, let us allow them their ſence, That *the Doctrine proteſted to be maintained, is the ſame covenanted to be reformed*: Are Maintenance and Reformation incompetible? is there not a poſſibility of ſome adjuncts unto the ſubſtance of the Doctrine of the Church of *England* expreſſing the true Reformed Proteſtant Religion, and ſeperable without the deſtruction thereof? Or may not the Doctrine of the Church of *England* be reformed as to the ſcant, general, dubious, and difficult manner of expreſſion, and yet the matter thereof be maintained and defended? Are thoſe Articles which concern the Government of the Church, and Conſecration of the Biſhops and Archbiſhops, of the eſſence and formality of the true Reformed, Proteſtant Religion

ligion? Will not the aſſertion thereof tend more to Schiſm, than *Scotlands* ſuppoſed *making their Diſcipline and Government the mark of a true Church*? As denying the Reformed Churches beyond the Sea to have attained to the true Reformed, Proteſtant Religion, which yet they handed over to us?

But what reaſon had theſe Gentlemen of *Oxford* to underſtand the Doctrine of the Church of *England* in ſuch a latitude? when the ſence of it is limited by them who were then known to be *Legiſlators* (and a power ſufficient to preſcribe an Oath, unto which themſelves ſubjected) and were the beſt expoſitors thereof (*viz.*) the Houſe of Commons who thus declared:

Whereas ſome doubts have been raiſed concerning the meaning of theſe words [*The true Reformed, Proteſtant Religion, expreſſed in the Doctrine of the Church of* England, *againſt all Popery, and Popiſh innovations within this Realm contrary to the ſame Doctrine*] *This Houſe doth declare, that by theſe words, was, and is meant only the publick Doctrine profeſſed in the ſaid Church, ſo far as it is oppoſite to Popery and Popiſh innovations: And that the ſaid words are not to be extended to the maintaining of any form of Worſhip, Diſcipline, and Government, nor of any the Rites and Ceremonies of the ſaid Church of* England.

By which theſe Gentlemen might have underſtood,

1. The Realm, and Church of *England*, were two different Subjects; the one profeſſing Doctrine in the other, wherein alſo there was Doctrine *tending to Popery and Popiſh Innovation.*

2. There were in the Doctrines profeſſed by the Church of *England* ſome adjuncts of *Rites, Ceremonies, Government, or ſome ſpecial order of Worſhip*, which might need Reformation, and were not view'd to be maintained.

So that according to this ſence of them who preſcribed both, there is more of conſiſtency, than contradiction between the *Proteſtation and Solemn League and Covenant*: So that the manifeſt perjury they feared, hath not ſo much as a ſeeming ground.

And as for the ſuppoſed contradiction of this Branch of the Covenant unto the Oath of Supremacy, it will on examination vaniſh as an apparition, *a thing which ſo ſeemed*, but cannot be ſo proved: For if they will not hiſs me out of their Schools, I will grant them *their Propoſition in the Oath*, and *aſſumption in the Statute* by them quoted; and yet find a way to avoid *the concluſion*,

cluſion, becauſe a meer *non ſequitur* on their premiſes; and this, if they will have the Argument logically reſolved, by denying the *conſequence* of their major Propoſition; for I will grant unto them, that the Oath of Supremacy doth bind us to our power, *to aſſiſt and defend all Juriſdictions, Priviledges, Prehemineuces, and Authorities, granted and belonging to the Kings Highneſs, his heirs and ſucceſſors, or united and annexed unto the Imperial Crown of this Realm*: And aſſume with them, *That the King had the whole power and Authority for Reformation, Order, and Correction, of all manner of Errors, Hereſies, Schiſms, &c.* and yet deny the ſequel, *viz. That we may not endeavour in our places and callings to reform Religion.* For the defence of the Kings power is no way repugnant with the duty of our particular capacity. I hope a Miniſter may by his preaching, or a Divine by his diſputation in the Schools, endeavour the correction and Reformation of Error and Hereſie, Schiſm or Superſtition, and yet not intrench on his Majeſties Eccleſiaſtical Juriſdiction, and ſo interfer with their Oath of Supremacy? Yea, in reference to *judicial and authoritative Correction and Reformation* (which we will ſuppoſe can only be done by the King) mens endeavor may be in their places and callings by Counſel, Propoſal, Remonſtrance, Petition, Supplication, and the like, to procure His Majeſties conſent, and authority, to *reform Religion in the Kingdom of* England, *in Doctrine, Worſhip, Diſcipline, and Government*; and then Sir, where is the Contradiction?

Yet Sir, if I were to diſpute with a ſingle (though Senior) Sophiſter of *Oxford*, I would deny both Propoſitions; the major, as to its ſequel or conſequence, as before; and the aſſumption, as that which the Statute doth not prove, *viz. The whole power of Spiritual or Eccleſiaſtical Juriſdiction for Correction and Reformation, is annexed to the King, and Imperial Crown of this Realm*: For the power by that Statute, is *ſpecial* and particular, not general and univerſal; as themſelves have cited it, is, (*viz.*) ſuch *Juriſdictions, Priviledges, Superiorities, and Prehemineuces, Spiritual or Eccleſiaſtical, as by any*, &c. (and as the Statute proceeds) *Spiritual or Eccleſiaſtical power or authority, hath heretofore been or may lawfully be exerciſed or uſed for Viſitation of any Eccleſiaſtical State, or Perſons, and for Reformation*, &c. So that the power given to the King, is *ſuch* a pow-

or

or as Biſhops, Cardinals, or Popes had uſed; not ſuch as Parliaments (who ever retained a Juriſdiction in themſelves over both Church and Crown) enjoyed and exerciſed: This power was purely *executive*, not *Legiſlative*; over *perſons and particular Societies*, not over the *Kingdom and whole Realm*: I preſume, the Gentlemen of *Oxford* were not ignorant of the power and Legiſlative Authority which the Parliaments of *England* ever held over their Biſhops, and the Spiritual or Eccleſiaſtical eſtate of this Land, tying them in all their adminiſtrations of Diſcipline, and Government, *to the Cuſtoms and Statutes of this Realme*, as they may read at large in the Statute of *the Submiſſion of the Clergy*, 25. *Hen.* 8. 19. wherein they confeſs, *many of their Canons and Conſtitutions be repugnant to the Laws and Statutes of this Realm*, whereby they did not only *Reſtrain* the exorbitancies, and from time to time *Reform* the abuſes of the Church, but alſo *extend* the Prerogative and Juriſdiction of the King, as in that Statute, 1 *Elizab.* and *Limit*, *Reſtrain*, *and Repeal it*: (as in the caſe of this individual, ſpecifical power granted in the words of the Statute quoted) by the Statute 17 *Caroli* entituled, *An Act for repeal of a branch of a Statute* 10 *Elizab. concerning Commiſſioners for cauſes Eccleſiaſtical*; which clauſe repealed, is part of this very recited *Paragraph*, and immediately annexed unto, and dependent on this very grant of power and authority: Nor are theſe Maſters and Scholars of *Oxford* inſenſible, that there is a vaſt difference between Executive and Legiſlative power and authority; and that as no Eccleſiaſtical perſons did ever enjoy (however the Pope and his Biſhops did contend for it) ſo no King of *England* did ever pretend, or lay claim unto the Legiſlative power further than allowed by Act of Parliaments, who were ever Dictators of a general Reformation in the Land, Church, and Kingdom; as at this time in the Reformation covenanted: Nor can they be ignorant, that it is very bad Logick, from ſuch Juriſdictions, and Specifical, Executive Authority, to infer, that the *whole power of Reformation is ſo in the King, that the Parliament may not propoſe, or the people covenant in their places and callings to endeavor a Reformation*; but they muſt claſh with the Kings Prerogative, and contradict the particular Supremacy they have granted and bounded themſelves to defend.

And

And now Sir, I must desire to know (whilst the Oath affords not the *Proposition*, nor the words of the Statute the *assumption*) how they will do to establish the *Conclusion*, and clear their manifest perjury from premises which, on trial, prove but *seemingly contrary*, and really consistent with the Oaths they had before sworn?

We see, Sir, notwithstanding the dissatisfactions of the Masters and Scholars of *Oxford*, the first Article of the Solemn League and Covenant contains in it nothing but what is good and lawful; nay, so just, that in it self it is a duty, and therefore may be sworn; and their serious exceptions will scarce suffice to Apologize their refusal, which could not be Religiously refused by such as desire *purity of Religion, and uniformity in the Church*, whilst the *Word of God* is propounded as the *Rule*, and the *best reformed Churches* as the *pattern* of this Reformation covenanted; and will not any thing avail, to acquit the obligation where it is laid, affording sufficient ground to establish the judgement of him that sware, without any apparent reason of scandal or hazard to Reputation, Estate, or Conscience; the *perjury* supposed to be *manifest*, appearing at best to be but *seeming*; and that on a fancied *Contrariety*, that amounts only to *a difference* in the manner, not matter of the opposed Oaths.

Subsectio Sexta.

Considereth the 2*d*. Article of the Solemn League and Covenant.

Reformation cannot proceed without a removal of what is repugnant and obstructive thereunto: the second Article of the Covenant, doth therefore bind us *to the extirpation of certain evils*: we must then consider in the next place, the justice and lawfulness thereof, and the weighty exceptions made against it.

In this Article we are to consider the *Act* covenanted, *An endeavor of extirpation*; and the matter about which that Act is conversant, *viz. Popery, Prelacy, Error, Heresie, Schism, Superstition, and Profaneſs.*

As to the *Act*, it is not objected against by any, save Dr. *Gaudens Nephew. No Body*, who in his new born *Doubts and Scruples* (midwiv'd into the world by the Drs. Epistle) would suppose himself by an *endeavour of Extirpation*, to be sworn into Gods Throne, whose *only and immediate Act it is to extirpate* the lusts, and principles of these impieties *out of the heart of man*;

man; or mounted into the Magiſtrates Chair, who only may *by Bonds or Baniſhment, or Mulct, or Death, extirpate* the open exerciſe, and publick profeſſion of thoſe evils, and the promoters of them; as if Extirpation were no way a humane Act, or within the capacity of private men, though *not to effect*, yet by Moral Perſwaſion, Rational Diſcourſe, Scripture Conviction, Submiſſive Petition, and the like, ſo much as *to endeavour it with ſincerity, reality and conſtancy*; the very recital of this reception is a ſufficient confutation, and reſolution that folly, or ſome melancholy fancy, more than conſcience did ſtart this doubt, and ſtand perplexed at this Scruple without a grain of Reaſon.

And as to the matter covenanted to be endeavoured to be extirpated, none that are ſeemingly Proteſtants, and religious, will make queſtion of *Popery, Errour, Hereſie, Schiſm, Superſtition, and Profaneſs, or whatſoever is contrary to ſound Doctrine, or the power of godlineſs*: theſe are ſuch ſpreading Weeds, diſgraceful to the Church (Chriſt his Garden) and deſtructive to the principles and practices of all Religion, that almoſt all men will appear the foremoſt in an endeavour to extirpate them; and on this account Dr. *Gauden* in his late Epiſtle to the Doubts and Scruples, would divert *our endeavour for extirpation of the Prelacy*, Covenanted againſt, by directing the ſame unto *Schiſme and Superſtition*: But, Sir, by his leave, as we cannot own him as our Maſter, to be at his pleaſure, appointed our work further than our own prudence will guide us; ſo we muſt tell him, that *every Plant which our heavenly Father hath not planted, muſt be rooted out*; that ſome weeds are more viſible & ſpreading than others; and as they need more ſpeed and diligence, ſo they call for more ſtrength and labour to remove them, being deeply rooted by their long continuance; and therefore the *extirpation* of them muſt be plied with *endeavour*, whilſt the Earth is looſe, and they unſetled; and it is more than probable, that many of the others, if not all, may come up with this one, which either occaſioneth *Schiſm*, or by its ſhade defendeth *Superſtition and Profaneſſe*, if I may not ſay *Popery*: But ſtay, Sir, the Maſters and Scholars of *Oxford* do pluck me by the Ears, and tell me I am miſtaken, if I deem Prelacy a weed, which is undoubtedly the faireſt flower in the Garden of Chriſt his Church, according to whoſe language I find

Dr. *Featley's* Ghost Canting in his *League illegal*; but Sir,

I shall desire to let them know that *Prelacy* in its general and genuine acceptation, is undoubtedly *a very fair flower*, and far from being weeded up; and therefore in the *Solemn League and Covenant* it is specified, and a particular kind of Prelacy sprung up, and over-spreading the Church of *England*, is Covenanted to be extirpated: I shall be willing to give the *honour* of this restriction and specification to the speech of Dr. *Daniel Featley*, occasioned by the over-hot pressing of some (truly zealous for Reformation of what was amisse) that *Prelacy in general* (it having by appropriation to one kind obtained a vulgar evil acceptation) *should be extirpated*; only I cannoc acquit his acute Executor from the dishonour of misapplying his Uncles speech, (when dead) as speaking against that which it had effected; (*viz.*) and expres mention of the species, and particular kind of Prelacy to be extirpated; that is, *the Government by Archbishops, Bishops, their Chancellors and Commissaries, Deans, Deans and Chapters, Arch-deacons, and all other Ecclesiastical Officers depending on that Hierarchy*; whereby the general term Prelacy is limited and restrained; so that I shall expect their exceptions to lie against the extirpation of this species and kind of Prelacy, unto which the Covenant doth bind us; for we well know, *dolosus versatur in generalibus*, Crafty men do deceive the vulgar by an Out-cry of extirpation of things in their general nature good, but in this or that special kind evil; I shall therefore especially consider *the exceptions of the Masters and Scholars of Oxford* against this second Article, so far as it relateth to the Prelacy therein specified to be extirpated; as those on which I observe others depend, from which others have derived theirs, and to which on all occasion they do retreat as to their impregnable Fortress.

Oxford Exception by a general term fallacious.

They therefore in the fourth Section of their Reasons, for not swearing the Solemn League and Covenant, do deface their exception with an expression of their affection to that Government to be extirpated, and first present us with this fair *Encomium* of it; *viz.*

Page 7.

That Ancient form of Church-government under which our Religion was at first so orderly, without violence or tumult, and so happily reformed; and hath since so long flourished with truth and peace, to the honour and happiness of our own, and envy and admiration

Oxford Commendation of Prelacy considered.

admiration of other Nations : But Sir, good wine needs no buſh ; it is well if the Arguments be as cogent to the mind, as this glorious deſcription of *Englands* Church-government is captivating to the affections ; I hope Sir, ſerious Caſuiſts in ſtating their Scruples, do not ſet a luſtre on the object by glorious Epithites o engage the admiration of the vulgar : But Sir,

1. *Antiquity* may be no Argument of its glory, verity, or goodneſſe ; theſe learned men know this is the loud and common cry of *Pagans* for their *Idolatry* ; and *Papiſts* for their *Superſtition and Papacy*, which will in point of Age appear the Elder Brother to *Englands* Prelacy : Pope *Gregory* being before *Auſtin* the Monk, the firſt Arch-biſhop of *Canterbury* ; and yet is not owned as any addition to their glory, or demonſtration of their verity ; for as true Religion is firſt received, ſo it is after corruption reformed by the *Redeemed from the vain Converſation received by tradition from their fathers.*

2. *Order* is indeed very amiable in any Act ; but what they mean by the *orderly proceeding of the firſt Reformation*, I know not ; ſure I am that the *precedency* of the Laity unto the Clergy in a work of this nature in which they ſhould have been Dictators, was more juſt than regular : And when I conſider the firſt ſtep of Reformation in the expulſion of the *Popes Supremacy* (ſupported by all the Biſhops unto a *premunire*) *to have ſprung* in *Henery* the eighth, from diſcontent at the Popes dealing in the buſineſs of Queen *Katharine*, rather than conſcience of its ſinfulneſs ; *to have been ſteered* by policy, not piety ; *to ſtand* conſiſtent with a retention, and fiery inforcement of Popiſh Doctrine and Worſhip, unto the perſecution and burning of *Tyndal*, *Lambert*, and others ; and impoſing of the ſix Articles (in which I muſt confeſs *Cranmer* quit himſelf like a faithful Biſhop, but others I find not oppoſing) And when I obſerve *the Line which firſt ruled* in *Henery* the eighth his dayes, to be retained and run through the Reformation of King *Edward* the ſixth, and was too much regarded in the time of Queen *Elizabeth* (who both acted from a more pious principle, had but their Counſellors captivated their policy, and the little knowledge of thoſe reforming dayes given them to ſee, and ſet up in its luſtre and power, the ſquare and right Rule of Reformation) I cannot but ſay *Gods power* is much more manifeſt in the firſt Reformation of *Eng-*

land, than was *mans order*; and yet what order was, Hiſtory witneſſeth to have been, though under, yet without, yea, againſt the Biſhops; *The hundred and eighteen thouſand eight hundred and forty pounds* paid by the Biſhops of the two Provinces, *Canterbury* and *York*, for their pardon from the *præmunire*, doth proclaim their oppoſition at the firſt. *The thirty perſons* choſen out of the Parliament to conſider and conclude *Articles of Religion*, and *Cranmer and Ridleys Politick plea* againſt pious Prince *Edward* the ſixth, for the Maſs of his Siſter *Mary*, and the *after-concluſions in their Convocations*, do not ſpeak much of forwardneſs at the laſt, whilſt in the one, or in the other, they went not any faſter, than driven by the Kings injunctions.

Foxe, Acts and Monuments, *p.* 959.

3. No marvel that they who could not ſee in this Reformation any *diſorder*, could not hear any noiſe of *tumults attend it*, and yet if I miſtake not, the Tarratantara-murmur of the *Lincoln-ſhire* and *York-ſhire* men in their *rebellious holy pilgrimage*, headed by Dr. *Makeree*, denominated *Captain Cobler*, and abetted by many of the Clergy; not that I find reſiſted or quieted by any Epiſcopal influence in the time of *Henry* the eighth; and the like *inſurrections* of *Suffolk*, *York-ſhire*, *Oxford-ſhire*, *Devon-ſhire*, *Cornwal*, and other Counties, againſt the Reformation by King *Edward* the ſixth, doth ſignifie unto me that the Reformation was not at firſt more prepoſterouss than *violent and tumultuous*, though not in the Authors, yet in the oppoſition and reſuctancy of its ſubjects, occaſioning this note to be left upon it,

Tantæ molis erat Romanum evertere ſedem.

Yet I muſt not by reaſon of the one or other, deny it to have been happy; but I deſire freely to acknowledge that this *Reformed Religion* in the degree attained, hath ſince *happily flouriſhed unto the honour of our own, and envy of other Nations*; only I ſee not wherein this Government (the extirpation of which is Covenanted to be endeavoured) did either occaſion, or add unto the happineſs and honour thereof; I am ſure it is noted by others; and were I the firſt obſerver of it, I durſt undertake to make it good, That Religion had ſparkled and flouriſh'd with more honor and happineſs, in an higher degree of Reformation, than it yet doth, if not *retarded*, and ſometimes *retrogaded* by *Englands* Epiſcopal Prelates, who have made it ſo much pompous unto ſenſe, and the Worlds admiration, but ſo little powerful to the

Spi.it

ſpirit: But, Sir, I love not to recriminate, or reproach things or perſons; I ſhall therefore paſs this applauſe of our late Prelacy, with this Requeſt, That the Maſters and Scholars of *Oxford*, or any other, will pleaſe to tell us what there is in this Government, ſo ſpecial and peculiar for its efficacie, to the order and quiet of Reformation, that may not be found in another Form of Government; for that only is of the eſſence, and ſo muſt be the Emphaſis of this Epiſcopacy.

Subſectio Septima.

The apprehenſion of the worth of this Government, had, Sir, its full influence on the affections of theſe learned men; they therefore profeſs themſelves.

1. *Affected with grief and amazement to ſee it endeavoured to be extirpated without any reaſons offered to their underſtanding, for which it ſhould be thought neceſſary or expedient ſo to do.*

2. *Ranked with Popery, Superſtition, Hereſie and Profaneſs.*

3. *Intimated to be ſome way or other contrary to ſound Doctrine, or the power of godlineſs.*

Unto all this I ſhall ſay in brief:

Their grounds of affection and amazement at Extirpation of Prelacy examined.

1. That if the conſtant ſtruglings of this Government, with the Civil power and encroachment, *on the Royal Authority* in all Ages having not kept its bounds, but by exerciſing abſolute independent Authority *in their own Names, and under their own Seals*, in a Legiſlative Declaration of what is *Treaſon*; and by an Imperial power to preſcribe *Oaths* to be ſworn, as in the Canons of 1640. the Biſhops of both Provinces did preſume to do; if its *innovation, defence and propagation* of erroneous Doctrines and Superſtition; if its *ſuppreſſion of Truth, and true Religion*, by ſilencing, ſuſpending faithful Preachers; if its *violence, irregularity and injuſtice in High Commiſſion Cenſures*, baniſhing, impriſoning, confiſcating, ſtigmatizing, and excommunicating *of the beſt of men* for meer trifles, things indifferent, ſo judged by themſelves) at the leaſt; nay, many times for oppoſing profaneſs and ſuperſtition; yea, for performing their duties in praying and preaching; and the like evils which did attend it, though (I ſhould ſay) but accidentally, by the corruption of *Montague, Laude, Wren, Pierce*, and their Companions, be written in ſuch ſenſible Acts, and legible Characters, that *England* might

feel

feel, and the World read them; I think there need not be much of Reason offered to shew, not only the *expediency, but necessity of extirpation* of a Government, though in it self good, yet capable of such enormities, unlesse it be of an immediate and undoubted divine right.

But, Sir, Had not *Oxford* their numbers in Parliament? and did they not trust them with their understandings? or must a Parliament offer Reasons of the necessity and expediency of every Act they impose on the Subject, before the Subject yield obedience? and yet the Vote of the House of Commons past the 10th. of *June*, 1641. viz. *That this Government hath been found by long experience to be a great impediment to the perfect reformation and growth of Religion, and very prejudicial to the Civil State*; together with the learned Speeches of many Members in the House, printed, to offer Reason without, as well as within doors, might have laid something before the judgments of these Gentlemen. I presume, Sir, the Subjects obedience must not (in the judgment of this University) be suspended untill the Reasons of State producing the resolution be known to, and and apprehended by every person and society.

2. If this Prelacy judged thus evil; were but contemporary with *Popery*, *Superstition*, *Heresie*, *Schisme and Prophanes*; though we should presume it good, I hope it may be ranked amongst its fellows, and taken upon suspition, it may be a *grief*, but no wrong to stay an honest man found in company with Thieves; when he hath cleared himself, justice will let him go.

But Sir, if this Prelatical Government be in the formality of it, *a plain and clear Papacy*, as the deriving it from *Rome*, and its standing on no basis but the constitutions of the Church when Popish, and institution of the Pope, not Christ or any Christian Magistrate, nor General Assembly of the Ministers of the Church of God in this Kingdom; the owning of *Anselme* Archbishop of *Canterbury*, *Papam alterius mundi*, the content all Papists find in the same, (could they but continue it in dependance on *Rome*, for Consecration and Investiture, pure circumstances, not of the essence of the Government;) and principally its springing from the same principles, standing on the same Basis, *the indulgence of Princes*, and being supported by the self-

same

ſame Arguments and Authorities which are urged by *Bellarmine*, and the Council of *Trent*, for the defence of the Papacy (in all which reſpects it muſt needs appear, that the difference between an univerſal Metropolitan or Dioceſan Biſhop, is in degrees and limits, not in kind; for is there not the ſame reaſon for Arch-biſhops over Biſhops, to receive their Oath of Obedience, as for Juridical Biſhops over Presbyters; and ſo the ſame for Cardinals over Arch-biſhops, and Popes over Cardinals?) do ſuggeſt it to be; and if it were the Foot-ſtool or Stirrup of the Papacy, as *Salmaſius* doth at large demonſtrate in his *Apparatus ad Papatum*; and as *Beza* doth affirm, when he tells us, *Epiſcopi Papam peperérunt.* Beza. Epiſt. 79. I hope it can be no great wrong to ranck it with Popery, which might be its proper name, though through uſe of a larger ſignification.

History of the Council of *Trent*, Edit. 3 p. 589, 590. to p. 616.

And if, Sir, its Rule whereby to ſquare it, and Reaſon of ſuſtentation be that which is not more openly Canted by ſome, then indeed generally practiſed; (*viz.*) *No Ceremonies, no Biſhop*, whereby the *Croſs* in Baptiſm, the *Altar*, the *Surplice*, and other matters innovated into the worſhip of God, the uſe of which (how edifying ſoever to the Church of God) is a formal Superſtition; it cannot be much abuſed to call Superſtition its companion.

And if it have been found to indulge Hereſie, by publiſhing and printing *cum priveligio*, all Heretical Notions, and ſilencing the Pulpit, and ſtopping the Preſs from all poſſibility of Confutation; or if by innovation of Superſtition into worſhip, and obtruſion of Error in Doctrine on the ſouls of men, it hath provoked *Schiſm*, I hope there is no great cauſe of complaint for putting theſe together with it.

And if it have been approved a protection and promotion of *Revels*, *Church-ales*, *Clerks-ales*, *Sports and Paſtimes on the Lords day*; ſo that its Deans and Chapters, or other Colledge and Conventions, have proved like unto Biſhop *Pierce* his Septuagint in their Agreement againſt Juſtice *Richardſon*'s order for ſuppreſſing of theſe and the like profaneſs, certified in a letter to the late Arch-biſhop, dated the fifth of *November*, 1633. and ſuppreſſing all Miniſters that refuſe to ſtir up ſuch licentiouſneſs, as did the viſitations of the Arch-biſhop of *Canterbury*, Biſhop *Pierce*, and others; it ſure can be no great wrong to rank it with *profaneſs*,

The ſeventy two Miniſters of *Somerſetſhire* in their unanimous conſent to the continuance of Revels, Church-ales, &c.

profanes, and intimate it to have in it *some contrariety to the power of godlinesse*; to which (whatever some few, very few, Bishops might do) the current of Episcopacy did never yield much countenance, or speak much amity. Sir, in these and the like respects, the extirpation hereof must be endeavoured by all that will not *partake of other mens sins*; and I must be free to tell them, that in their Parallel case propounded (which yet will not square) the alteration, yea, *extirpation* of the Civil Government of the City, capable of such proximity *unto Treason, Murder, Adultery, Theft, Consenage, and the like*, would be by all ingenuous men judged both just and reasonable; but I insist too long in abatement of their affection, who offer Arguments by which they were perswaded to adhere unto their object; let us therefore weigh them severally.

Subsectio Octava.

This Preface being past, they proceed to the Reasons why they cannot Covenant *an endeavour to extirpate* Prelacy; that is to say, *The Government by Arch-Bishops, Bishops, their Chancellours, or Commissaries, Deans, Deans and Chapters, Arch-deacons and all other Ecclesiastical Officers depending on that Hierarchy*: And they propound five Reasons; two relate unto the Government, the third and fifth unto their own capacity, and the fourth unto the estate of the Church; according to this order I shall consider them: And,

Oxford first and second exception to the extirpation of Prelacy.

1. They tell us, *They are not satisfied how they can with a good conscience swear to extirpate Episcopal Government, which* say they, *we think to be, if not* Jure Divino, *in the strictest sense by expres command, yet of Apostolical institution; that is to say, was established in the Churches by the Apostles, according to the mind, and after the example of their Master, Jesus Christ; and that by vertue of their ordinary power and authority derived from him, as deputed by him Governours of his Church.*

Or at least that Episcopal Aristocracy may lay a more just title and claim to a Divine Institution, than Papal Monarchy, Presbyterial Democracy, and Independants by particular Congre-

Congregations, or gathered Churches.

2. *We are aſſured by the undoubted teſtimony of Ancient Records, and later Hiſtory, that this Form of Government hath been continued with ſuch an univerſal, uninterrupted, unqueſtioned ſucceſſion in all the Churches, and in all Kingdoms that have been called Chriſtian, for fifteen hundred years together; that there never was in all that time any conſiderable oppoſition againſt it; that of Aerius was the greateſt, which grew from diſcontent, and gain'd him the reputation of an Heretick.*

From which antiquity to depart, they fear by this extirpation to give advantage to the Papiſts by contempt of antiquity; and ſhould diminiſh the Authority due to the conſentient judgement and practice of the univerſal Church, &c.

Sir, this is a very fair and ſpecious exception; for *Divine Inſtitution, and ancient univerſal practice are very ſtrong bars againſt any Oath*; and ſtrong conjecture of the one, and certain aſſurance of the other, do forcibly ſuperſede any mans acting to the contrary; yet Sir,

I wonder that theſe learned men do but *think of a Divine Inſtitution*, and yet *are aſſured of ancient univerſal practice, uninterrupted for fifteen hundred year*; methinks the laſt ſhould rather have remained doubtful; for conſcience can only be ſatisfied in the certainty of the former: *A think ſo* in a Divine Warrant, is both ſinful and dangerous; and I *think* the univerſal uninterrupted practice of the Church for fifteen hundred years might well run back unto the times of our Lord and Saviour, and at leaſt the Acts of his Apoſtles; and the Sacred, as well as Eccleſiaſtical Story, might make mention of this Government, and ſo create an undeniable certainty; for the one, is a very uncertain ground of aſſurance without the other: But ſtay Sir, I forgot the year in which theſe learned men wrote, it was 1647. and ſo indeed one hundred and forty years might return before *Epiſcopal Government* appeared in the World; and yet they may by *antient Records, and later Hiſtories*, find the practice of it fifteen hundred years; but this will more weaken, than ſtrengthen the *Divine Right*; for without doubt, the moſt primitive and pure eſtate of the Church, was in the firſt one hundred and forty years.

2. Their Argument loſeth its force, by the ambiguity of their terms; for I am Sir, at the ſame loſs with them, for the

Saint *Peters* Bonds abide. *p.* 2, 3.

Ratio formalis objecti, the thing to be extirpated, as in my last with Dr. *Ganden*. They tell us of an *Episcopal Government*, and an *Episcopal Aristocracy*, but do not describe it; it is no marvel that the Popes Legates should interdict the dispute in the Council of *Trent*, concerning the Divine Right of *Episcopal Superiority*, or direct it into such general and uncertain debates, that there might be of it no determination; but, Sir, I think it very strange that a Protestant University, professedly seeking satisfaction to their conscience, should so sophistically by general terms of an uncertain acceptation, maintain to themselves doubts to which they desire resolution. They well know Episcopal Government may denominate the Government *Communi Concilio Presbyterorum*, by all Ministers in the Church, who are the very true undoubted *Scripture-Bishops*; unto which, or whom there may be *ordinis causa*, for method sake, a *Superintendent* Moderator or Chair-man; and this Episcopal Government is undoubtedly of *Divine Institution, and antient practice*, prescribed by the Holy Ghost, and propounded in the sacred story of the *Acts of the Apostles*, Chap. 20. 28. where, as in other Scriptures, *Bishops and Presbyters* are terms synonimous, denominating persons invested with the *same Office and Authority*, and enjoying the same *qualifications*, and by common consent *ruling the Church of Christ*; and then, Sir, we must tell them this is not to be endeavoured to be extirpated, nor doth the Covenant so propound it; which if it do, I consent to reject it.

History of the Council of *Trent*, Edit. 3. *p.* 591, 592.

But if by *Episcopal Government*, they mean that special Form and Frame of Government wherein one person is *advanced into a distinct order of Ministry* above other Ministers, and is invested with *Prince-like power* over them, enjoying an Authority *peculiar to him*, eo nomine, *as Bishop*, of sole Ordination and Jurisdiction, unto whom all other his Fellow-Ministers are *Subjects*, and must swear to him obedience, who must have a Council denominated, *Deans, Deacons, Prebends, Chapters*, and the like, over and among whom he sits as *Lord*; and yet over him acknowledgeth a *more superiour order* under the title of *Arch-bishop*, to whom he oweth and swareth *obedience*; and in this superiour order, and lordly manner, he *ruleth* all Pastours, and People, somtimes by *himself*, somtimes by his *Chancellor* or *Comissary*, his Surrogates, *Deans, and Arch-deacons*, with all Officers

Officers of State and Power within ſuch prefixed bounds and limits, which is called his *peculiar Dioceſs*; and either they muſt mean this, or miſtake the *meaning of the Covenant*; which yet doth very plainly deſcribe the *Prelacy* to be extirpated, to be a *Government by Arch-biſhops, Biſhops, their Chancellours, Commiſſaries, Deans*, &c. And then, Sir, I muſt deny, not that they *think* (for I muſt believe the profeſſion of *their thought*, though I think it ſtrange) but that there is any good ground for ſuch *thoughts*: and the opinion of an Univerſity, will not without good demonſtration in this point, beget ſuch *thoughts* in me, *That the Apoſtles by vertue of their ordinary power and authority derived from Chriſt, and deputed Governours of his Church, did ever eſtabliſh this Epiſcopal Government*; or that it was *according to the mind, and after the example of Jeſus Chriſt, who himſelf* did never exerciſe *a Pompous and Princely power* over his Diſciples; but converſed with them as his *Peers and Equals*; and gave them in charge that they ſhould not affect *Superiority one over another, or Princely power over Gods Heritage.*

I muſt put theſe Maſters and Scholars of *Oxford*, to prove by plain and pregnant Scripture, That *the Office of the Miniſtry may in Ordination be divided*, and only ſome part of it be thereby committed; ſo as that the Deacons may preach and baptize, but not conſecrate the Lords Supper.

That there are *more orders of the Miniſtry than one*, the Biſhop or Presbyter, or more Officers in the Church, than Elders and Deacons, appointed by Chriſt or his Apoſtles by their Apoſtolical Authority, who have only deſcribed their qualification, and directed the Ordination of theſe two, and no more. That the Presbyter (in whom is required the *ſame qualification*; to whom is to be yielded the *ſame obedience, ſubjection and reſpect*; who receiveth the *ſame Ordination*, and is charged with the *ſame duty*, and inveſted with the *ſame power of feeding and governing the Church of God*, with the Biſhop, and none other) *is an order diſtinct from and ſubject to the Biſhop*, ſo to be ruled by him, and not to exerciſe his Office, but by the *Biſhops Licenſe*, and at his pleaſure; and that the Presbyter is bound to ſwear obedience to the Biſhop as *his Ordinary*.

That *certain particular Prieſts or Deacons* ſhuld by Papal conſtitution and Princely indulgence without the counſel and common

suffrages of the Colledge of *Presbyters*, bespeaking their consent, or consent of the common people, be constituted a *Colledge or Cathedral Council to the Bishop*, to advise with him, and rule under him, by the name of *Deans, Deans and Chapters, Arch-deacon and Prebends*, to Elect the Bishop in vacancy, and hold Courts, constitute Canons, and exercise all Jurisdiction over all Churches and Ministers, not being so much as chosen by them, or having their consent, much less commission so to do.

The force of Prelacy covenanted against.

That any *one Minister or Bishop doth stand charged with all the Congregations and Pastors of them in one County, or many Counties making one Diocess*; and be by vertue of office bound to the inspection, and pastoral Correction and Government of them; and that the several Bishops of a Kingdom be themselves subject to one *Metropolitan Church and Arch-bishop*, to whom they shall swear obedience, and shall be subject to be *by him* overseen, ordered and corrected; sure if the Word of God conclude such *superiority over the Church in one Kingdom*, it will conclude a *Catholick superiority over the universal Church*; and advance the *Pope* as warrantably above the *Arch-bishops*, as the *Arch-bishops* are above the *Bishops*, and the *Bishops* above the Presbyters; for these are not differences of *kind, but of degree*; nor is there pleaded for Divine Right, or Apostolical Institution of the one in the Church of *England*, what is not pleaded for the other by the Fathers of the Council of *Trent*; and by *Bellarmine* that Cardinal Popes Champion; and who can deny a *quatenus ad omne*, &c?

Bellarm. de Clericis. lib. 1. *cap.* 14.

Lastly, That *Bishops* and Ministers of the Gospel *may exercise their Office and Function by Vicegerents and Deputies, Commissaries or Chancellours*; or that by any Apostolical direction they may, and have *authority* to Commissionate any such; or that the determination and disposal of Civil Affairs, *Matters of Marriage, and Administrations*, belong to them; that they must by themselves, or joyning unto themselves, Professors and Students of the *Civil Law*, keep Courts, on which *Proctors, Apparitors*, and the like are dependent; and so judicially rule and govern in these cases.

This is the Form of Government these learned Casuists must *think*, is, if not of *Divine Right by immediate precept from God, yet established by the Apostles, according to the mind*,

and

and after the example of their Maſter, Jeſus Chriſt, and that by vertue of their power and authority, as deputed Governours of the Church; or otherwiſe their thoughts are very vain and impertinent; for not an *Epiſcopal Government* wherein all the Biſhops, Miniſters of the Church within any City, Country or Kingdom, inveſted with equal authority and dignity, being all of the ſame Order, do by common Council govern the Church; but *this ſpecifical Prelacy*, preſuming it ſelf to be an *Hierarchy*, or holy Government, and chief Prieſt-hood, not to be gain-ſayed without high profaneſs; or with-ſtood and deſtroyed without *ſacriledge*, formally exiſting in *Arch-biſhops*, ſuperiour Princes to Biſhops; *Biſhops*, Soveraign Lords to all Miniſters or Preſbyters; and enjoying the ſtanding Cathedral Council, and ſubordinate Judges, *Deans*, *Arch-deacons*, *Deans and Chapter*, and tranſmitting their power, and Epiſcopal authority to *Chancellours and Commiſſaries*; and ſo ruling with all ſtate, and pompous attendants; not only mens *profeſſion of Religion*, but their *propriety of* civil *enjoyments*, is Covenanted to be extirpated. I hope Sir, that theſe ſerious men would not cozen their own Conſciences, and cheat the World; by their obſervation *the Covenant would bind us againſt Epiſcopacy and Biſhops in general*; and not take notice how it is limited to one particular kind; and then Sir, I muſt be free to tell them, That *the Divine Right, or Apoſtolical Inſtitution* of this Epiſcopal Government, is but a *think ſo*, of no more value than a dream; for I not only *think*, but am ſure, the libraries of learning, in all that famous Univeſity, will never lay us down this Form of Government in the *Church of Epheſus*, (though I ſhould grant *Timothy* to be a Biſhop therein) *Antioch*, *Philippi*, *Creet*, *or the ſeven Churches of Aſia* (ſuppoſing their Angels to have been Biſhops) in all which I deny not a *Government by Biſhops*, and thoſe *made by the Holy Ghoſt*; to whom I will preſume *to think*, had I then lived, and been inveſted with that Miniſterial authority I now by Gods grace enjoy, poor, ſimple I, might have ſtood up as a *Peer*, or at leaſt *Biſhop Suffragan*; and if they give not ſome Scripture inſtance, *I think* Eccleſiaſtical ſtory will never prove the *Apoſtles eſtabliſhed this Form of Government in the Church*; or at leaſt, not by *their Apoſtolical power and authority, as deputed by Chriſt governours of the Church*; and I am ſure, not *after the example, nor according to*

the

tle mind of Jesus Christ their Master; it being directly inconsistent with the quality of this Kingdom, and dictated parity of his Ministers.

Sir (with Reverence may I speak it) I think it had been very sutable to the learning and gravity of this learned Assembly, to have laid down in this case of conscience, some clear Reasons for their conjecture of this *Divine Right, and Apostolical Institution and Establishment:* And the rather, for that Pope *Nicholas* hath affirmed, *Omnes sive Patriarchæ cujuslibet apicem, sive Metropolean primatus, aut Episcopatuum Cathedras vel Ecclesiarum, sive cujuscunque ordinis dignitatem, instituit Romana Ecclesia:* That *Rome* appointed all Ecclesiastical Dignities of *Bishops, Arch-bishops, Deans, Arch-deacons, &c.* And Pope * *Lucius* and *Clement*, with whom agreeth *Peter Lombard*, and our own Historians, That King *Lucius instituted three Arch-bishopricks, and * twenty five Bishopricks in the room and stead of the three Arch-flamens, and twenty five flamens:* And that *Devotus, the Bishop of* Winchester, *falling into the seat of the flamen thereof, had all the possessions within twelve Miles empass, containing thirty two Villages, conferred on him and his Clergy:* And the Archbishops, Bishops and Clergy of *England*, in *their Institution of a Christian man*, dedicated to *Henry* the eighth, have told all the World, *It is out of all doubt, that there is no mention made, neither in the Scripture, neither in the Writings of any authentical Doctor, or Author of the Church being within the time of the Apostles; that Christ did ever make or institute any distinction or difference to be in the pre-eminence of Power, Order, or Jurisdiction between the Apostles themselves, or between the Bishops themselves; but that they were all equal in power, authority, and jurisdiction; and that there is now, and since the time of the Apostles, such difference among the Bishops, it was devised by the antient Fathers of the primitive Church, for the conservation of good order and unity of the Catholick Church; and that either by the consent and authority, or else by the permission and suffering of the Prince, and civil power for the time ruling, the said Fathers considering the infinite multitude of Christians so greatly encreased, taking examples from the Old Testament, thought it expedient to make degrees among Bishops, and to limit their several Dioceses, bounds of Jurisdiction and Power:* And then, Sir, this

Apud Gratian. Dist. 22. cap. 1.

* Distinct. 80.

lib. 4. dif. 24.

Brit Hist. lib. 4. pag. 126. Polichro. lib. 4. c. 16. fol. 163.

Pagets Christianography.

Foxe saith 28. Chief Priests, called Flammens; Acts and Monuments. p. 96.

Fol. 59, 60.

this Form of Government will ſeem to be more Jewiſh, Papal, Paganiſh, or at beſt political and civil, than Apoſtolical; the laſt of which, the Statutes of our Kingdom do declare it to be, affirming that the *Arch-biſhops, Biſhops, Arch-deacons, and other Eccleſiaſtical perſons have no manner of Juriſdiction Eccleſiaſtical, but by, under, and from the Kings Royal Majeſty*; and *Patrick Adamſon*, Arch-Biſhop of Saint *Andrews* in *Scotland*, Anno 1591. in his Recantation at the Synod at *Fife*, profeſſed ſincerely, *ex animo, That Biſhops and Miniſters are by the Word of God equal, and the Hierarchy or Superiority of the Biſhops, nullo nititur verbi fundamento*: And I think it had been but Reaſon ſome ſatisfactory anſwer had been given to *Gerſom Bucer* his *Diſſertationes de Gubernatione Eccleſiæ*; *Didoclavius* his *Altare Damaſcenum*; *Cartwright*'s Exceptions; *Paul Bains* his *Dioceſan Tryal*, *Smectymnus*; and eſpecially Mr. *William Pryns publick and poſitive Challenge*, in the unbiſhoping of *Timothy* and *Titus*, which *I think* will be *ad Græcas Calendas*, before they *think ſo* of an Univerſity had been publiſhed as a ſtumbling Block to the peoples ſwearing of the Solemn League and Covenant, when thereunto called by Parliament.

26 Hen 8. cap. 26 31. *Henr.* 8. cap. 9, 10. 37 Hen 8 cap. 17. 1. Ed 6 cap. 2. 1, 5, 8, Eliz, c. 1.

But it may be, Sir, I run too faſt; methinks their *think ſo* of Divine Right and Apoſtolical eſtabliſhment, is aſſerted very faintly; and therefore it is reſtrained and limited with *an Epiſcopal Ariſtocracy, hath a fairer pretenſion, and may lay a juſter title and claim to a Divine Inſtitution, than Papal Monarchy, Presbyterian Democracy or Independent*: Yet I muſt ſay, fair pretenſion, and comparative claims are very weak props againſt Parliamentary Reſolves, and the power of an Oath; it muſt be plain and undeniable Divine Right muſt ſtand againſt them.

But what is that they call *Epiſcopal Ariſtocracy*; Are not theſe learned men miſtaken in their terms? hath not *Englands Epiſcopacy* been ever deemed a Monarchy? and of the ſame kind, but lower degree with Papacy! How can it be conformable to the Government of the Nation, which theſe very men tell us, is *Merum Imperium, an Empire, Monarchy* p. 11? and eſtabliſh that Maxim, *no Biſhop no King*, if it be an Ariſtocracy! Whoever deemed Presbytery a Democracy? Or on what colourable ground can it be ſo deemed? doth not this Form fix the Government in the *ſeniores* and *illuſtrior pars populi*: The Officers of the Church ordering

dering all, and ruling the whole Church, excluding the Congregation from all Acts of Government: save *a shewing their just exception to any Order, Office, or Censure?* If Presbytery be a *Democracy*, what can Independency be judged? I find these learned men by the nicety of this distinction, *at a loss for its name*, as well they might, and so I shall leave it, and suppose a willingness in the University of *Oxford* to assent to Doctor *Whitakers Thesis*, That *Regimen Ecclesiæ non est Monarchicum, nec Aristocraticum, nec Democraticum, sed Democratica Monarchica Aristocratica*; That the Government of the Church is a *Formal Aristocracy*, qualified with something of *Monarchy*, which he means not to be the superiority of Prelates, and *Democracy*; by which is not meant the ruling power of the people; let but this learned Doctor explain himself, and Mr. *Thomas Cartwright* expound, nay, translate his words; and we shall find a Government which will lay a very fair claim unto a Divine Right, *Si velimus Christum ipsum respicere, fuit semper Ecclesiæ Regimen Monarchicum; si Ecclesiæ Presbyteros, qui in Doctrina & Disciplina suas partes agebant Aristocraticum; si totum corpus Ecclesiæ quatenus in Electione Episcoporum & Presbyterorum, suffragia ferebat; ita tamen ut εὐταξία, semper Presbyteris servatur Democraticum*; which *Cartwright* thus renders, *The Church is governed with that kind of Government, the Philosophers have affirmed to be the best; for in respect of Christ the head* (not his Vicar or Superiority of single Prelates) *it is a Monarchy; in respect of the Ancients and Pastours that govern in common* (all the Presbytery) *with like Authority among themselves* (not a Superiority over them) *it is an Aristocracy; and in respect the people are not excluded, but have their interest* (unto exception) *in Church-matters, it is a Democracy:* If then these men will take down the towring power of Prelates, and turn their Magisterial Throne into a Ministerial Chair; and bring into the Cathedral Council of Deans and Chapters, all the Presbyters, and let these lofty persons stand amongst their Fellows, till by common consent, for common order one of them be set in the Chair to gather Suffrages, regulate the Assembly, declare their sentence, and see to the execution of their Decrees, and summon them together, they shall constitute a Government, which *I think* will not only *fairly pretend unto*, but plainly appear to have an *Apostolical*

Whitak. oper. Tom. 2. de Rom. Pont. Quest. 12. de Origin. Eccles. *Cartwrights* first Reply to *Whitakers* gift. page. 35

ſtolical Inſtitution and Eſtabliſhment; and there are very many, both ancient and moderne Authors of my opinion; and then we need no more diſpute the matter of extirpation of Prelacy; for in this ſenſe the Covenant will rather eſtabliſh it.

Their *think ſo* of Divine Right turns into *an aſſurance of univerſal uninterrupted ſucceſſion of this Form of Government in all Kingdoms that have been called Chriſtian, for fifteen hundred years together, without any conſiderable oppoſition, ſave that of* Aerius, *which ſprang from diſcontent, and gain'd him the reputation of an Heretick.*

This is, Sir, the old, only, and uſual guard of Prelacy; I will not deny Antiquity its due Reverence, though I put not on it, nor conſent unto it an authority equal with, or as the Papiſts Idolize it, above the Scriptures. I confeſs in matters of Fact, it may give a clearer conviction, than direction, and aſſert things paſt done, rather than that they ſhould be done and continue. The Antiquity of *Englands* Prelacy obſerved.

It is well if their *certain aſſurance* in matter of Fact, be any better bottomed, than their *think ſo*, in point of Divine Right. I know not what might be their *undoubted teſtimony of ancient Records, and later Hiſtories*, for they mention none; and therein their faith muſt be unto themſelves; but by ſuch Ancient or Modern Hiſtories as I have obſerved, it is very difficult to find this Form of Government (which muſt relate unto that to be extirpated by the Covenant, or elſe it is vain) to have been either *univerſal, or uninterrupted in all Kingdoms that have been called Chriſtian*, for half fifteen hundred years; for if they account backward from the time of their writing, they will find a violent interruption, and indeed extirpation of this Form of Government by *Chriſtian the King of Denmark*, in the year 1537. as *contrary to Chriſt his Inſtitution*; and then they will loſe more then one of their fifteen hundred *years without interruption*, and that *in a Kingdom called Chriſtian*; and this Sir was to ſenſe, whatever it was to reaſon, *a more conſiderable oppoſition than that of Aerius*; not to mention the *interruptions and extirpation in Scotland*; which I preſume may be to them of little weight, that people in their eye ſcarce appearing *Chriſtian*.

And if they will account forward, from the Nativity of our Lord, *their fifteen hundred years of univerſal, uninterrupted, Epiſcopal*

piſcopal Government by Arch-biſhops, Biſhops, Deans, Deans and Chapters, will riſe very heavily; for let it be conſidered, that the diviſion and diſtribution of Churches into Pariſhes and Dioceſſes, came not into the world for more than two hundred and ſixty years; and untill that time, ſmall Towns and Villages had their Biſhops, and all Biſhops were before and after that choſen by the people, not by their Princes; and ſo long there could be no *Metropolitan*, *Archiepiſcopal ſeat*, nor *Cathedral Epiſcopal Dioceſs*. And will they give an Iriſh man leave to tell them, that Saint *Patrick* ſent into *Ireland* by *Eleuth rius*, more than two hundred years after Chriſt, *did conſecrate as many Biſhops, as he did conſtitute Churches in that Kingdom, three hundred and ſixty five of each*? and that from his time, to the coming in of *Johannes Papyrio*, the Popes Legate, *Anno* 1152. there were no Arch-biſhopricks in that Kingdom, and yet it was called Chriſtian; and if the inſtance may not offend them, I would mind them, that Biſhop *Uſher*, the late Primate of *Armagh*, in his Treatiſe, *De Primordiis Eccleſiarum Britannicarum*, pag. 800. doth affirm out of *John Major*, *De Geſtis Scotorum*, *That in ancient times, the Scots were inſtructed in the Chriſtian Faith by the Prieſts and Monks, and had no Biſhops, before the coming of* Palladius, *into their Countrey; and after that* Palladius *made Biſhops, they had no Dioceſs, untill* Malcolme, *the third King of* Scotland; *but every Biſhop did exerciſe his* Epiſcopal Function *wherever he came*; who citeth alſo *John Fordon, Scotichronicon. lib. 3. cap.* 8. on the ſame account; ſo that then we ſhall not find this Form of Government by *Dioceſan Biſhops, Cathedral Churches, and by Arch-biſhops*, to have been received in ſome Kingdoms half fifteen hundred years; and what then becomes of the aſſurance of theſe learned men?

Polid. Virg. Invent. l. 4. *c.* 9.

Archiepiſcopi vero in Hibernia nulli fuerunt; ſed tantum ſe invicem Epiſcopi conſecrabant donec Johannes Papyrio Romanæ ſedis legatus ad venit. Hic 4. Pallia in Hiberniam portavit.

Girald. Cambr. Topograph. Hiber. diſtinct. 3. cap. 17. Vid. The Religion profeſſed by the Ancient Iriſh in an Epiſtle to the late Primate Uſher, by Sir *Chriſtopher Sipthorpe*, Knight, pag. 58.

Moreover, though the *oppoſition of Aerius* ſeem in their eye *an inconſiderable one*, yet it is ſuch as ſtated a principle, which being once admittee (as it cannot be denyed) and obtained but liberty to be improved to the direction of the Government to be practiſed, will ſubvert the foundation, and pull down the ſuperiority of Arch-biſhops, Biſhop, Deans, and the like; for if all *Miniſters*

niſters, Presbyters and Biſhops be of the ſame order, office and authority; we cannot but infer, *Who are ye that advance your ſelves in the houſe of God, and Lord it over your Brethren, and Gods heritage?* and notwithſtanding that this principle be clouded by the occaſion on which it was divulged by him, *the mans diſcontent*; we muſt ſay that *Diſcontent is a better Dictater than Judge*; and God knoweth how to make mens grudges grind out the knowledge of his truth, mind and will; I hope it will be deemed but a poor defence of the Popes Supreamacy in *England*, to ſay that King *Henry* the eighth in a diſcontented humour did caſt it off, and was for it excommunicated; and here the Reaſon is the ſame; a great noiſe is made, and advantage taken, that *Aerius was reputed an Heretick*, for affirming *the parity of Presbyters with Biſhops*; and yet Sir, it would be well noted by whom, and by what authority he was branded as an *Heretick*; it was not by *any Council*, or *Primitive Fathers*; but by one only man, *Epiphanius*, though to be Reverenced in the Church; yet by this adminiſters little cauſe of regard: I think many in *Oxford* will be loth to have Arminian notions (more oppoſite to the grace of God, than *Aerius* notions to good order) publickly damned as *Hereſie*, which yet were *condemned by the Synod of Dort*; and though that were not a general Council, it wins more Authority than the cenſure of *Epiphanius*; Saint *Auguſtine* therefore repeating the opinion of *Aerius*, as recited by *Epiphanius*, doth more modeſtly denominate it *Proprium Dogma*; and others repeating the *Hereſies* of *Aerius*, make no mention of this among them; nor indeed was there Reaſon, if in the Council of *Trent*, *Michael* of *Medina* were deſervedly chidden, for ſaying, *Hierom and Auſtin fell into the Hereſie of Aerius, and affirmed the degree of a Biſhop, was no greater than the degree of a Prieſt*: I hope that is not *Hereſie* in *Aerius*, which is *Orthodox* in *Auſtin*, *Jerom*, and others; truly Sir I think the ingenuity of the Maſters and Scholars of *Oxford*, might have led them to have conſidered, and indeed publickly contradicted, * the *Catalogue of teſtimonies in all Ages, evidencing Biſhops and Presbyters to be one equal, and the ſame in Juriſdiction, Dignity, Order and Degree*; whereby in five ſeveral ſquadrons, *Chriſt and his Apoſtles*, *Ignatius*, *Policarpus*, *Anacletus*, *Juſtin Martyr*, and many of the ancient Fathers, *Peter Lombard*, *Gratian*, *Hugo Cardinalis*, *and*

Auguſt. de hæreſibus cap. 53.

Hiſtory of the Council of *Trent*, *p.* 591.

* Collected by Mr. *William Prynne*, as an Appendix to his unbiſhoping *Timothy* and *Titus*.

many other Canonists and Schoolmen; the *Waldenses*, *Alphonsus*, *Castro*, *Gersomus Bucer*, and a multitude of Forraign Divines and Churches; our own, *Sedulus*, *Anselme*, *Beda*, *Occham*, *Fulk*, *Juel*, *Reynolds*, *Whitaker*, and almost who not, in every place and age, are produced, as thinking the same thing, which in *Arius* is called *Heresie*; for certainly so general a consent to a conclusion so weighty, is a *very considerable opposition* directly repugnant to their confidence of an *universal uninterrupted exercise of this Form of Government*; for now had *Epiphanius* more warrantably, and on better grounds called this *an Heresie*, I should not much regard it; nor will their assurance of this Argument avail, to establish this kind of *Prelacy*, or to anticipate the promise *on Oath* of a due endeavour to extirpate it.

We see, Sir, there is nothing of weight in the Government, either on the supposed *Apostolical Institution*, or *ancient universal uninterrupted practice*, that could bar from *taking*, much lesse bind unto the *breaking of this second Article of the Solemn League and Covenant*; let us consider what is in the state of the Church of *England*, which may bind the *perpetuation* of this Government, or be of force to bar the *extirpation* thereof; and that in their fourth exception to this Article, wherein they tell us;

Oxford fourth exception to the second Article of the Covenant.

In respect of the Church of England, *they cannot swear to extirpate this Government*, for three Reasons.

1. *The Inconveniences which attend all change in Government; and in this is like to be great, it being deeply rooted in the Laws, and of strong influence on the Civil State.*

2. *Repugnant to the Declaration of the Commons-in Parliament.*

3. *And a striking at the foundation of this Famous Church of* England.

Unto all which I cannot but briefly say, That the two first seem in my thoughts very little to respect the *Church*; for the *alteration* which might ensue in the Civil State, *might consist with, and conduce unto the* being, and well-being of the Church; and the *declared purposes* of the House of Commons might be *contradicted* without any great reflection on the Church.

2. *Jealou-*

2. *Jealouſies of inconvenient effects, muſt not intercept a duty*; Theſe effects may be accidental, the duty poſitive; and it is the prudence of *Legiſlators* to fore-ſee, and prepare againſt ſuch incoveniences, as may happen on the alteration of Lawes, and Forms of Government; I queſtion how far the care thereof lieth on private perſons or ſocieties; And if theſe jealouſies were of weight for continuation of Epiſcopacy now, why not at the deſtruction of Monaſteries and Abbies, and excluſion of the Popes Supremacy? (which was the root, to which Prelacy is but a Branch ſince continued) in conjunction with, and influence on the Civil State; by *Magna Charta*, the grant of the glorious King Saint *Edward*, and moſt of the ancient Lawes from which this Government doth at this day draw its ſap and ſtrength.

3. The Declaration of Parliament pleaded as a Bar to this extirpation, doth offer Reaſons for its alterations, which I think are of weight; (*viz.*) its ſtrenuous ſtudy and endeavour to effect *a conjunction between Papiſts and Proteſtants, in Doctrine, Diſcipline and Worſhip*, being before agreed in judgement: its Tyrannical *impoſing a Liturgy in Scotland*, and enforcing it after an happy pacification by his late Serene Majeſty, with the *Bellum Epiſcopale*; its *violence and cruelty to Religion, and Religious men*, in the Star Chamber, and High Commiſſiou Courts; and what themſelves obſerve, its *influence on the Civil State*, which made this Prelacy odious in all Ages, and was a very likely provocation to its extirpation in *England*, as in *Denmark*; and if they will but pleaſe to conſider, that *ſinful ſuperiority over the Miniſters of the Goſpel*, which is the *anima animans*, very form of it, and cannot be capable of any remedy, but by its ruine; all which having been publiſhed in print, by many Petitions to, Speeches in, and Declarations from the Parliament, might have *offered Reaſons for the extirpation* to counterpoiſe, nay, weigh down all feared inconveniences which might ariſe, had theſe learned men pleaſed to have obſerved them; ſo that if the Houſe of Commons did any way declare the continuance of it, it was from their indulgence and willingneſs by all fair means, if poſſible, to regulate it, rather than any merit of the Government it ſelf.

4. But the ſuppoſed repugnancy of this branch of the Covenant,

venant, unto the *Declaration of the Houſe of Commons*, is not to me ſo viſible, theſe Gentlemen refer us unto the Remonſtrance of *December* the fifth, 1641. and tell us, That *the Houſe of Commons Remonſtrated, that it was far from their purpoſe or deſire, to aboliſh the Church-government, but rather that all the Members of the Church of* England *ſhould be regulated by ſuch Rules of Order and Diſcipline, as are eſtabliſhed by Parliament:* Which words, by the variation of the character I imagined, to be the words of the Remonſtrance, but on ſearch, and ſecond reading of the Remonſtrance, I find no ſuch ſentence in the ſame; ſome parts of the ſentence in the Remonſtrance, themſelves have tranſcribed in the Margin, and it is this, *They infuſe into the people, that we mean to aboliſh all Church-government*; which Text will not juſtifie or allow their inference; for it proclaims not the *Parliaments purpoſe*, but Malignants *policy*; not that it was far from their purpoſe or deſire *to extirpate this kind of Government*; but that the malice of th ir enemies did infuſe they would *aboliſh all Government*: Surely Sir, prejudice was very prevalent in theſe learned men of *Oxford*, which made them read inſtead of a complaint of grievance, *a Declaration of purpoſe*; and from the complaints of a general charge, to intend to *aboliſh all Government*, to infer *a purpoſe of preſervation* of this ſpecifical Government, as if all Government were included in it; had they pleaſed to have read the whole ſentence, they would have ſeen that the words were much more general, *aboliſh all Government, and leave every man to his own fancy, for the ſervice and worſhip of God*; which they might not do, and yet *extirpate the Prelacy*, and late Epiſcopal Government of *England*; no marvel that this miſtake makes them imagine, and inſert into the Reaſon, *a rather that all the Members ſhould be regulated, &c.* which deſire is not therein expreſſed, but only a profeſſion of their knowledge *That His Majeſty was under God entruſted with the Eccleſiaſtical Law, to regulate all the Members of the Church of* England *by ſuch Rules of Order and Diſcipline, as are eſtabliſhed by Parliament*: I think Sir, a profeſſion of his Majeſties *Prerogative*, is vaſtly different from *a Parliamentary proportioning* of the Prelates *preheminence*; and the Kings *Supremacy* may be acknowledged, when the *Biſhops* are degraded, and ſet among their proper Peers: And now Sir, this *repugnancy* between the

Covenan-

Covenanted extirpation, and Parliaments purpoſe of perpetuation, appeareth a *think ſo*, of like nature with the *Apoſtolical Inſtitution* of this Epiſcopacy; and it would be enquired whether it be more *malignity* to ſuggeſt to the people *a purpoſe* in the Parliament *by them* never declared, and ſo make them obnoxious to the charge of *ſelf-contradiction*, or infuſe into the people the verity and plainneſs of their meaning, not to *aboliſh all Government*, but *to extirpate this kind*, which through the whole Remonſtrance they had declared to be ſo oppreſſive and dangerous; if they will evade the *influence, compaſs and danger* of the fourth Article of this Covenant *in the firſt caſe*, I dare ſecure them from it in reference to the *ſecond*.

5. But the main thing which concerneth the Church of *England*, is her foundation; which if *it be removed, what ſhall the Righteous do?* And theſe ſerious Caſuiſts do tell us, That *the holy Church of* England *was founded in the ſtate of Prelacy, within the Realm of* England, and they proved it by the Law; (for Goſpel without doubt they had none to prove it, that laying the *Prophets and Apoſtles for the foundation, and Chriſt (an enemy to Prelacy) the corner ſtone*) and in their Margin they cite the Statute of *Carlile*, 25. *Ed.* 1. Recited 25. *Ed* 3. on which they profeſs, *They dare not by extirpation of Prelacy, ſtrike at the foundation of the Church, which they are bound to uphold.*

Truly Sir, their care of the *Church, and its foundation* is commendable; but how comes it to paſs that this Form of Government muſt be made *the foundation of the Church*, without any danger of Schiſm by them, to whom *Scotland* making *their Diſcipline and Government the mark of a true Church, did* ſeem *ſo much tending to Schiſm?* Muſt the Government of *England* be a fundamental point of Religion, the very *eſſe* of the Church? and may not *Scotland* make her Government a note of diſtinction? *Turpe eſt doctori, &c.* Sir, we cannot deny the proofs cited, and declaring *the holy Church of* England *to be founded in the eſtate of Prelacy*; but I cannot but ſtand amazed to find men making Apologies, propounding doubts, profeſſing a ſerious deſire to have conſcience ſatisfied, ſo much to content themſelves, and cozen their Readers with plain fallacies; ſuch ſophiſme as better beſeems the *Logick*, than *Divinity* Schools;

and

and common *Halls*, than the *Regent house.*

Two things are to be explained. What they mean by *holy Church*? and what *foundation* this is, to which the Statutes relate?

These learned men wel know, that by *holy Church*, in the acceptation of that Age, and of those very *Acts*, the Statute of *Edward* the first at *Carlile*, and the Statute of *Edward* the third, was meant the Pompous, Popish Ecclesiastical State, whereof Abbies and Priories were no small Members, as in *Magna Charta*, and other Grants of Kings, which had then such influence on the Civil State, as that no Act of Parliament could bind, or be deemed valid, without the *ratifying censure of holy Church*, whose manner was by her authority, to curse all that should not keep such Lawes as were agreed; I wish the Masters and Scholars would speak out, and tell us, whether they think they are bound to uphold this *holy Church*? or that the Church of Christ may not, yea, do not subsist in *England*, now *holy Church* is driven out; the Church simply Christian, is very different from the *pompous popish, holy Church.*

Again Sir, the *foundation* mentioned in these Statutes, is

Foxe, his Acts and Monuments. p. 27.

futable to the Fabrick, *holy Churches*; *viz.* the temporal endowments whereby she was made so pompous; *the Lands, Mannors, and large Revenues* given by the King, or Nobles of the Land, as the question occasioning the same, doth plainly evidence, which was, Whether the *exactions of the first fruits of Churches and Abbies, and all Benefices in* England, *and the profit of vacancies by Pope* Clement, were just? and as the very words and scope of the Statute of 25. *Edward* 3d. doth plainly declare; providing for the advousance, and disposal of all Benefices, and the profits thereof, in manner as the *founders*, that is, *first donors* had established, and so the Prelacy, in which it was founded, is an *Independency* as to *Rome*, and a sole Power and Prerogative which *England* had free, and within her self, in respect of which, in the very words of the Statutes themselves, it is said, *The Bishop of* Rome *usurping the Seigniores of such Possessions and Benefices, doth give and grant the same to Aliens, which did not, and Cardinals which might not dwel in* England, *as if he had been Patron or Advowe of the said Benefices, as he was not of right after*

after the Law of England; ſo that this *Prelacy* is purely Political, and the *foundation* more profitable than pious; could theſe learned men be ſo abſurd, as to make the very being of the Church to ſtand on ſuch a *foundation*? were there not Churches of Chriſt before Patrons, Poſſeſſions and Preſentations? and may they not be when theſe large endowments are taken away from the places to which they are affixed? *This Prelacy* will determine *the Church of England* by the fall of Monaſteries to have been *ſhaken in the foundation*; and by vertue of this *Political Prelacy*, the Kings of *England* have given the poſſeſſions of Biſhopricks to their Chancellours, Treaſurers, Secretaries, Kinſmen, meer Lay-perſons for increaſe of their means, and have kept the Epiſcopal and Archiepiſcopal Seas void, for 2, 3, 4, 5, 6, 7, 10, 15, 20. and ſometimes 30. years together; by what loadſtone do theſe learned men think the *holy Church* did ſubſiſt, when her Prelates her foundation in their ſenſe was wanting? or can they make us believe *Denmark or Scotland* have loſt, or the *Reformed Churches* never had the *being of a Church of Chriſt*, becauſe they never had or have expelled their Epiſcopal Prelacy? Eccleſiaſtical Prelacy (like the *Petræ* and *Rupes*, as in the time of King *Henery* the third) have ever been ſuch ſwelling foundations to the Church, and in the State, that they have conſtrained the Kings and Parliament of *England*, as of all other Nations, in all Ages, to exerciſe an *high Prelacy* over them by *ſtrict Laws and ſevere exactions* to keep them within their bounds; and at laſt to Covenant *the extirpation thereof*; wherein the *Oxford* Reaſons would make us believe, we not only pull an old houſe about our ears, but deſtroy the *very Church*; if we have not wit enough to ſee how they would coſen us by the Law of man, inſtead of the Law of God, and a falſe gloſs on fair words.

Pryns Catalogue of Teſtimonies for the parity of Preſbyters and Biſhops, *p.* 16, 17, 18.

Having found ſo little weight in what is urged *from the Government* by Epiſcopacy, of the *eſtate of the Church of* England, we ſhall not expect much in what is incumbent upon themſelves, againſt their *Covenanting to endeavour to extirpate this kind of Government*; yet that little we ſhall conſider, and it relates unto their perſonal capacities in their third exception, or more publick Obigations in their fifth exception.

In reference to their perſonal capacities, they ſay, *They are not ſatisfied how it can ſtand with juſtice, ingenuity or humani-*

Oxford Reasons third exception against extirpation of Prelacy.

ty, to require the extirpation of this Government, unless it had been proved unlawful; what Sir, if it had been proved inexpedient? it would have been consistent with Saint *Pauls Justice, Humanity and Ingenuity*; for to him, All things might be *lawful*, but were not *expedient*, was a Rule; but their Reasons might restrain these learned men, and they are five in number.

1. *They had by subscribing the* 39. *Articles testified their approbation of that government.*
2. *Received orders from their hands.*
3. *Petitioned the continuance thereof.*
4. *Held their Livelyhood under such titles, and in the exercise of that Government, or some part thereof.*
5. *Had sworn as Members of such societies to preserve the immunities, liberties and profits of the same.*

Vnto all which I shall say very briefly:

1 It is worth their enquiry, whether they subscribed the 39. Articles *judiciously and judicially*, and so gave their approbation to this Government; we grant, that in the 39. Articles commonly published, there is one (*viz.*) the 36. which relateth to *the Book of Consecration of Bishops and Arch-bishops, &c.* But that it affirmeth *that Book to contain in it nothing contrary to the Word of God*; I find not, in either the Latine or English Copy of these Articles which I have seen; these learned men sure read these *Articles* with the Parliaments *Remonstrance* before mentioned, and so misread them both; but suppose the Article had so *affirmed*, it had laid no bar to the *alteration, or extirpation of this Government*; for it might be (as indeed all our Statues do suggest) a meer Political, Civil constitution, and so (though an *Adiaphoron*) *not contrary* any more than *consonant* to the Word of God, and alterable at the pleasure of *Englands* Parliaments: and then Sir with whatever judgment these Gentlemen subscribed this Article, I am sure there is not much in pleading it as a Bar to the duty enjoyned by Parliament.

Yet I must confess I am not satisfied that the *Books of ordering Priests and Deacons, and Consecration of Bishops and Arch-bishops*, did contain in them nothing contrary to the Word of God; for

for I not believe, nor *is it evident to me by Holy Scripture, or ancient Authors, that from the Apoſtles times there hath been theſe orders of Miniſters in Chriſts Church, Biſhops, Prieſts and Deacons*; for I find no *Prieſts* in the new Teſtament, and conceive *Presbyters and Biſhops* to be no more than different denominations of the ſame order; and make not different orders any more than Paſtours, Teachers, Stewards, Angels, Stars, and the like; and if there were theſe orders, yet it is I think contrary to the Word of God, to add a fourth, *Arch-biſhops*; and if they be not an order, how come they to have the ſame conſecration with Biſhops (a contended for order of the Miniſtry) and how come Biſhops *to ſwear unto them obedience*? neither the one, nor the other is common to a *gradual preheminence*; the Speaker of the Parliament, or Lord Chief Juſtice, hath no ſuch like Solemnity.

I queſtion whether the word will allow an Ordination *to ſome part of the Miniſtry*, and give Authority to *apply one Sacrament or Seal of the Covenant, and not the other*; nor am I clear the *Deacons Office* doth at all conſiſt in Miniſtry of Word and Baptiſm, and aſſiſtance at the Communion, the Scripture ſpecially points them to the poor, and to ſerve Tables.

I queſtion whether *mute ſervice in a publick ſolemn Aſſembly be not contrary to the Word of God*; where all, as well prayer as preaching ought to tend to Edification.

I queſtion whether a Magiſterial and Authoritative *giving the Holy Ghoſt* (peculiar to Chriſt, who did it in reality) be not contrary to the Word of God? or according to the words of the Article, *Superſtitious and ungodly.*

And whether Miniſters ſwearing *Canonical obedience* to the Biſhop, or Biſhops to the *Arch-biſhops*, be not plainly Papal and ungodly?

If theſe learned men conſidered, and were convinced of the conſonancy of theſe, and the like things with the Word, I hope they ſubſcribed this Article *judiciouſly*: yet I muſt enquire how *judicially*? I imagine the Satute of Queen *Elizabeth* will nos be produced as their warrant for ſubſcription to this Article; for the *Articles* thereby enjoyned, *do only concern the confeſſion of the true Chriſtian Faith, and Doctrine of the Sacraments*; and this particle *only*, is excluſive to *Diſcipline and Government*, which 13. *Eliz.* 12.

by the whole current of our Laws are concluded to be Political in their nature, & only Ecclesiastical *ratione ab ecti*, & at the pleasure of the Magistrate; and therefore could not be made an Article of the *true Christian Faith*; I hope such as leave this Article out of their Creed, shall not be shut out of the Christian Church.

Now Sir, were there any force in this exception to the Covenant, I would advise that subscription to be taken into second thoughts; yet it is as ponderous as the next.

They received Orders from their hands, and should ill requite them for laying their hands on them, to lay to their hands to root them up, and cannot tell for what.

That they should *root them up who had laid their hands on them*, was not required; they might continue *Men, Ministers*; it is like *better Christians, and more painful Preachers*, when they were not *Bishops*; I hope *Prelates* and *Prelacy* were not inseparable; that the one must be ruined in the removal of the other; and our question is of the thing, not person; in which *degradation* was the worst they could do them; who had they been affected with the dream of *Richard Havering Arch-bishop of Dublin*, "That a certain Monster, heavier than the whole "World, stood eminently aloft upon his breast, from the weight "whereof he chose rather to be delivered, than alone to have "all the goods of the World; when he waked, he thought this "was nothing but the Bishoprick of *Dublin*, and so forthwith re-"nounced it. Or had they enjoyed the Spirit of *Antonius, Elected Arch-bishop of Florence*, "who refused (on fear of hazard-"ing his salvation) to accept it; and when thundred into it by "the counsel of his friends, frowns of the Magistrates, and the "Popes Bull, kept only eight persons, no stately furniture in "his house, no Coach and Horses, and kept his usual method of "devotion in his Family, saying, They *should do him a special* "*favour to thrust him from his Bishoprick, wherein he continu-*"*ed with very great Regret.* They would acknowledge a kind-ness done unto them; and yet were it an unkindness, these Gentlemen were acquitted from the *ingratitude*; they have petitioned their *continuance*, and were not able to withstand the pleasure of their Superiors, on whose pleasure their whole enjoyments did depend;

The Annals of *Ireland* in *Cambd. Britan* pag. 169.

depend; nor had they been without Parallel (if not a plea of Justice) " For the Arch-Bishops, and Bishops of *England* (*Ro-*
" *chester* excepted) in the time of *Henry* the eighth, had vo-
" luntarily (without the command of the King or Parliament)
" sworn to root up the Pope (the Apex of this Episcopacy) from whom they had received their Palls, Properties, Power; I had almost said Papacy. *Foxe* his Acts and Monuments. p. 564. 565 566, 567.

Their third Reason I pass as an expression of their affection, only wishing it may have its dependance on right Reason; yet confess petitioning is every mans liberty.

And for the fourth and fifth.

That they held their livelyhoods by such titles, and were sworn to preserve the immunities, liberties, and profits of the same.

I only say they held them at the pleasure of the Parliament, whose power is over the enjoyments of all persons, and publick (much more particular) societies, against whose Laws, no Domestick Laws or Oaths could bind; and so their plea in this, amounts to no more than what might be said for the *Monasteries and Abbies*, (which I presume they will not say were wickedly demolished) unless they prove *Arch-bishops, Bishops, Deans, Deans and Chapters*, to be built on a better foundation, which I would not advise them to seek in the Statute of *Carlile*, repeated in the 25. *Edw.* 3*d.* in which they are conjoyned.

Their fifth exception is,

In respect of their Obligation by Oath and Duty to the King, and therein their dissatisfaction doth arise from the
Oath of Supremacy;
Coronation Oath;
The benefit this Government brings unto the Kings Honour and Estate;
The agreeableness of this Government to the Civil Constitution of the Kingdom. *Oxford* Reasons, fifth Exception to the 2d. Article of the Covenant.

Unto which I answer briefly,

That the Oath of Supremacy doth acknowledge the King to be the only *Supreme Governour in all Ecclesiastical Causes, and over-*

over all Ecclesiastical persons; and that by the Oath of Supremacy, and the protestation of the fifth of *May*, they and we *were bound to maintain the Kings Honour and Estate, and Jurisdiction*, we freely grant; but in swearing *to endeavour the extirpation of this Government by Arch-bishops, Bishops, &c.* I see not the danger of *disloyalty or injury to the King, or double perjury to our selves, or contradiction to the Parliaments declared and professed knowledge*, that the King is *entrusted with the Ecclesiastical Laws as well as Temporal*; and therefore wish the nature of the Kings Supremacy may be well considered.

That the King is Supreme Head and Governour of the Subjects, *distributively or particularly considered*, no sober man will deny; or that he is the Supream and *Topmost Branch and Apex of all that Honour, Power and Authority*, with which the Collective Body of the Nation, the three Estates in Parliament Assembled (in respect of which the Lords and Commons, *Methodiet Majestatis causa*, apply themselves unto Him under the Title of *Our Soveraign Lord*) no Regular man will deny; and that he is Supreme in all *Exhibition and administration of Justice*; so that the Judges are by and from Him, and in His Name and Authority; and so all Submission, Honour and Acquiescency in Judicial Proceedings is to Him, no good Statist or Civilian will deny; and that He is Supream Head and Governour *in things Spiritual and Ecclesiastical* (*Ratione objecti*, or *circa Ecclesiam*) *the Executive Administration about, not in the Church*, within His Dominions, in opposition to *all Papal and Forraign Power*, no Free-born Subject, Good Christian, or Protestant will deny; but that He is *so Supream*, as to have in Himself *sole Legislation to the Church* in things Political, but belonging to the Church; such as is the *publick National profession of Christian Faith*, in such a Form and Method of Articles; such a *National uniform and publick method and order of worship*, and such a *National Discipline and Government* of all the Churches within His Realm; so as that the People in Parliament Assembled, may not debate, consult, conclude concerning them; and *sedente Parliamento*, put in execution by present *supersedeas* of former Acts, and by present Votes and Orders of Restriction and Regulation, as in other Affairs of the Nation, I think no Loyal Subject, Wise Politician, Good Statesman, or True-born *English-man* will affirm

firm; for that the Supremacy of the King is affixed by the power of Parliament; and in all Writs of Summons they are called to consult the ardent Affairs of the *Church*, no less than of the Civil State; and the thirty nine Articles, Form of Common Prayer, and the Government of the Church, lay claim to Acts of Parliament for their Civil Sanction; and the Parliament in the Remonstrance of *December*, 1641. owned and cited by these learned men, do declare *the King entrusted with the Ecclesiastical Law, to regulate all the Members of the Church of* England *by such Rules of Order and Discipline as are established by Parliament*; and the very Statute enjoyning the Oath of Supremacy, and the Admonition of Queen *Elizabeth*, in Her Injunctions appointed by Statute to be the Exposition thereof, doth oppose the King *to the Pope, and* * *Forraign power*, not *to the Parliament*; and makes Him the executor of all *Jurisdiction, Superiority and Prehemineuces by any Ecclesiastical power or authority which heretofore hath been, and may be lawfully exercised; which was always directed by power of the Parliament of* England: And I remember the Lord Chief Baron *Bridgeman*, in his late learned Speech, concerning the Kings *Supremacy* unto the late condemned Traytors at the *Old Baily*, did declare the King to be Supream, that is, *beyond the Coercive power of His people*; but not to have the *Legislative power* in His own Breast, so as to Rule at His own Will; and the known Estate of *England* is to be Ruled (and the Coronation Oath binds the King accordingly) in all Ecclesiastical and Civil Affairs by such Lawes, *quas populus elegerit*, as the people shall choose; so that His Majesties Supremacy is not denied, when His Prerogative amplified by the Statute of 1 *Elizabetha*, *Ca.* 1. is contracted and abridged by the Statute of *Caroli*, 17. Or when the Parliament do see good by their Votes, Resolves, Orders, or imposed Oaths, to alter or extirpate the Government which the King was empowred to execute and administer; His Supremacy being *purely executive*, and that subject to the *Legislation of Parliament*; upon which account the Peoples Oath of *maintaining the Honour, Estate, and Jurisdiction of the King*, may be voided as to this and that particular mode and thing; and yet the *Parliament not take upon them to absolve the People from that obedience they owe under God unto the King*; nor is the limitation of the exercise of *Supremacy*,

* That is to say, under God to have the Soveraignty and Rule over all manner of persons, born within her Majesties Dominions or Countries, of what Estate soever, Ecclesiastical or Temporal, as no Forraign power shall, or ought to have any superiority over them. Admon. Enacted to expound the Oath of Supremacy, *quinto*] *Elizab. primo.*

as

as to this or that particular, and in this or that *Species* inconsistent with, or destructive to the Kings *Supremacy* rightly understood.

And on these Considerations let it be observed that the Kings Coronation Oath *to grant, keep, and confirm the Laws, Customes, and Franchises granted to the Clergy, by the glorious King Saint* Edward; *and preserve to the Bishops their Churches all Canonical priviledges, &c.* which these learned men do cite, is limited unto the *Laws of the Land*, which the People in Parliament assembled shall choose; according to which the King is bound to Rule; for otherwise this Coronation Oath will not only bind the *perpetuation* of this Government by *Prelacy*, but also to the *Restitution* of the Abbies and Monasteries demolished, and the *Popes Supremacy expelled*; all which were granted to the Clergy by the glorious King St. *Edward.*

2. But admit we these learned men the sense they seem to put upon the Kings Supremacy; methinks the modest expressions of the Covenant might have anticipated this exception, it only binding us *within our places and callings* (which might be by *humble advice and Supplication to the King*, by vertue of His Supream Authority to effect it) *to endeavour the extirpation of this Prelacy*; *that is, the Government by Arch-bishops, Bishops, Deans, Deans and Chapters,* and the like; but such was their affection to it, that they *could not desire*; nay, they could not but *beg of God that he would not suffer the King to assent thereunto*, which affection we must not think to abate, untill their judgements be better inform'd.

3. As to the *benefit which did redound to the Crown by the Collation of Bishopricks and Deanaries, by their first fruits, and yearly tenths, and profits in vacancies*, though some question the Kings propriety, not in respect of the *Law of the Land*, but of the *Law of God*; I shall not insist on that; only say, That the constant enjoyment of the full possessions of them, will make a *much greater revenue*, and maintain to the King *a greater Honour and Estate*, than the *first fruits, tenths and profits of vacancies*, although such vacancies as the Kings of *England* have by vertue of this Argument continued for the space of 5, 10, 15, 20. or sometimes thirty years together, taking the profits to themselves, or bestowing them on their attendants; and undoubtedly there is

the

the same capacity to *extirpate the whole Government*, as some Episcopal Seas; and to enlarge the Revenues of the Crown by the *Reversion of all the profits of the Government*, and the abolishment thereof, as to continue so long vacancies; moreover, I would desire to know what is in this Argument more prevalent for Arch-bishops, Bishops, and their Cathedral Churches, than for Abbots and Priors their Monasteries and houses.

4. As to *the agreeableness of this Government in the Church to the Civil constitution of the Kingdom*; I only say that I question whether the Lord Christ, who declared *his Kingdom not to be of this World*, will allow, or do appoint the Governments of the World to be the square of Government in his Church; and I confess I can hardly reconcile it to his *Regal Power, and Faithful Administration in his House*; and I must have a better Comment on the Text than I have yet met withall, if it be not prohibited in these terms: *The Princes of the Gentiles exercise dominion over them, and they are great, and exercise authority upon them, but it shall not be so among you; but whosoever will be great among you, let him be your Minister; and whosoever will be Chief among you, let him be your Servant*, Matth. 20. 25.29, 27. Mark 10. 42, 43,44. Luke 22.23,24. The sense whereof made Pope *Gregory* write himself *Servus Servorum Dei*; *Whitehead*, and others, refuse, *Coverdalle*, and many others decline their Bishopricks, as having in them *aliquid commune cum Antichristo*; I think the Clown his question to the Bishop of *Cullen*, were worth considering, *What will become of the Bishops, when the Dukes be damned?*

Yet the *agreeableness* of Prelacy with *Englands ill Government*, hath not been so obvious to others, as these Gentlemen suppose; the vigilant eye, and strong hand, wherewith in all Ages it hath been restrained; these *Petræ*, and *Rupes Winchester* and *Rivalli* in the time of King *Henry* the 3d. were judged *very dangerous*, when they constrained a Covenant *without and against the Kings consent*, to remove them as evil Counsellours. *Matthew Paris* our old Historian, "notes Bishops to have evet been "the *Make-bates between the King and People*, screwing up the "Kings Prerogative beyond thee constitutions of the Kingdom, "and liberties, yea, safety of the Subjects; and chargeth all the "Wars, Broiles, Mischiefs and Evils of the Barons Wars, to have

"ſprung from, and been acted by the Biſhops: And when ngKi
"*Philip* lay on his death-bed, He charged His ſon, *If He would Rule by his Nobles, He muſt keep his Biſhops low.*

The *premunities* by which they have ever been awed, and their late High *Commiſſion*, authorizing them to act *any appellation, provocation, priviledge, exemption, proclamation, law, ſtatute, whatſoever notwithſtanding*; and their *bold Uſurpation* in their own name and authorities, and under their own ſeals to iſſue forth Proceſs, Excommunications, Cenſures, and other Judgements, and their *Imperial Canons* in 1640. do beſpeak them *prejudicial to the Civil Government and Conſtitution of the Kingdom*; and I think a private ſociety ſhould with very much of modeſty affirm the agreeableneſs of this Government, after the Parliament on mature deliberation and debate, as moſt proper Judges, had voted *this Government to have been found by long experience very prejudicial to the Civil State of theſe Kingdoms.*

Vote of the 10th of *June*.

Now, Sir, as to the ſo often Canted Aphoriſme of King *James*, *No Biſhop, No King*; with which the Prelates and their Prieſts do too much ſtrive to rivet their Government unto the Crown; I muſt be free to ſay, that it is more *politick than pious* and of no more warrant or authority, than the *Spaniards one univerſal Emperour, and one Pope, or univerſal Biſhop*; and when the *Scots loyal adherence to*, and advancement of His moſt Sacred Majeſty, unto the Ruine of their Kingdom, Loſs of their lives and Eſtates, Exile and Impriſonment of their Nobles, and Conqueſt of their Land; together with the *unceſſant ſtrugglings* of the Covenant Intereſt, under Sequeſtration, Impriſonments, Baniſhments, and death of many; not ceaſing till they had (by Gods bleſſing) effected the Happy and Honourable Reſtitution of King and Kingdom, be well conſidered, I hope theſe learned Maſters and Scholars of *Oxford* will ſee ſome proceedings that may at leaſt *weaken their belief* in this political Maxime.

We have ſeen, Sir, the ſtrength of theſe learned exceptions unto the *ſecond Article of the Covenant*, the great eye-ſore of our Age; and find little or nothing therein, to charge the matter thereof *with falſhood or injuſtice*? but that notwithſtanding the grudging of proud and profane men, it ſtands in this reſpect *eſtabliſhed*; they have herein been long, and conſtrained me to

ſtay

ſtay too long in conſideration of what they urge: but as they, ſo I ſhall be more brief and contracted in their following exceptions, wherein they ſuggeſt many to be *great* ones, but profeſs to take up with *few*, which we muſt needs imagine not to be of the leaſt weight.

Unto the third Article they except nothing as to the matter of the promiſe, only they ſtumble at thoſe words relating to the defence and preſervation of the Kings Majeſty, Perſon and Authority, *in the preſervation and defence of the true Religion, and liberties of the Kingdom*; which they conceive to be *a limitation* of our abſolute duty, by a condition not allowable.

Subjectio quinta.

Oxford Reaſons, Exceptions to the 3d. Article of the Covenant.

Sectio quinta. p. 12, 13, 14.

Though ſome endeavour to juſtifie theſe words, as *a condition* put upon our duty by the power of Parliament, who may limit the Prerogative of the King, as well as extend it, and think it will abide a Diſpute, I am not of their opinion; for I do profeſs my ſelf convinced that *our allegiance*, and ſo the *preſervation of the Kings Perſon and Authority* is an abſolute duty founded in the Relation, without Regard to the Quality *Piety or Impiety* of the Perſon; who is bound alſo to His duty, but not on the condition of the Subjects duty; both King and People owe a Reciprocal duty each to other, and are bound to God to perform it; but the duty of the one is no *limiting condition* to the other; and therefore in all thoſe conteſts for the Covenant in behalf of the King, which not only I, but other Miniſters have undergone in the oppoſition of the late *ſinful Engagement*; Theſe words have been underſtood to be *a predication* of the capacity in which the Kingdom, Parliament and People then were, under the oppoſition of Malignants, who divided the King from the People; and ſo the meaning of it is thus, *We being in the preſervation and defence of the true Religion, and liberties of the Kingdoms, ſhall endeavour to preſerve the Kings Majeſties Perſon and Authority.* I wiſh therefore that it may be obſerved, That the words fall into a plain *parentheſis*; and the ſentence is entire without them, and they are fixed at the end of the Obligation, which relates unto the *Rights and Priviledges of Parliament*, *and liberties of the Subject*, as well as the *preſervation of the King*, and yet theſe cannot be limited; and this ſenſe is not only

Vid. The Exercitation concerning uſurped powers. Vindication of the Oath of Allegiance by the ſame Authour. *Lancaſhire* and *Cheſhire* Plea for non-ſubſcribers to the late Engagement.

conſonant to principles of right Reaſon and true Religion, but alſo the Declaration of the Parliament in their then proceedings; and the ſcope of this Covenant, and this very Article, which cloſeth with a moſt Solemn Appeal to the World, *to bear witneſs of our loyalty, and that we have no thoughts to diminiſh His Majeſties juſt power and greatneſſe*; and I hope theſe ſerious Caſuiſts will grant, that where the words of an Oath, ſeemingly doubtful, *may, they muſt be underſtood in a good and juſt ſenſe*; and then their exceptions to ſuch a limitation in the Covenant, do vaniſh with the *Hypotheſis* on which they are built and inferred.

Unto the fourth Article of the Covenant, theſe Maſters and Scholars of *Oxford* do ſuggeſt ſomething in Politicks, which ſoundeth as ſtrangely in my ears, as their paſt Divinity; indeed they determine it not, but only deſire it may be conſidered,

1. *Whether this Article lay not a neceſſity on the ſon to accuſe his father, and purſue him to deſtruction, in caſe he ſhould be an Incendiary, Malignant, or evil Inſtrument, as is in this Article deſcribed, which they conceive to be contrary to Religion, Nature and Humanity?*

2. *Whether the ſwearing this Article, do not open a ready way to children and husbands that are ſick of their fathers and wives, by appeaching them of Malignancy, the letter to effectuate their unlawful intentions and deſignes?*

To theſe I ſhould have only deſired it may be conſidered,

1. Whether all penal Statutes in point of *Treaſon and Felony*, open not as ready a way *for children and husbands to be rid of their fathers and wives?* and the danger of concealment be not a very fair Apology for the ſame; are they therefore *contrary to Religion, Nature and Humanity?* Have they never heard of ſuch wickedneſſe? know they not that there is an impoſſibility of fence againſt malicious accuſations miſchievouſly managed? Muſt therefore theſe Statutes be voided as wicked, and the like be prevented for time to come?

2. Did not theſe learned men take the Oath of Allegiance? and therein ſware, *That they will to the beſt of their endeavour diſcloſe*

diſcloſe and make known unto His Majeſty, His Heirs and Succeſſors, all Treaſons, and Trayterous Conſpiracies which they ſhould know or hear of, to be againſt Him, or any of Them: May natural affection interdict this duty? or are natural Relations exempt from this diſcovery? may not miſchievous men find open a ready way to appeal ſuch as ſtand between them and their deſires? or did theſe Gentlemens learning and loyalty lead them to conclude the Oath of Allegiance is *againſt Religion, Nature and Humanity*?

3. May one time make *contrary to Religion, Nature and Humanity*, that kind of promiſe, which at another time, may be conſiſtent therewithall? Theſe Gentlemen pleaded the proteſtation of the 5th. of *May*, 1641. as a bar to the ſwearing this Covenant, and tell us often *they ſware that*, and therein they ſware in this Form of words; *To my power, and as far as lawfully I may, I will oppoſe, and by all good means endeavour to bring to condigne puniſhment all ſuch as ſhall either by force, practice, counſels or conſpiracies, or otherwiſe, do any thing to the contrary of any thing in this preſent proteſtation contained*: will they pleaſe to tell us whether theſe words be not as directly contrary to the fourth, as the *fore-going promiſe* of this proteſtation was unto the *firſt Article* of this Covenant? or doth not this Proteſtation lay as great *neceſſity*, and give as *fair an occaſion for the ſon to accuſe the Father, and perſue him to deſtruction*; and ſo appear as much againſt *Religion, Nature and Humanity*, as doth the Solemn League and Covenant?

4. I ſhould have prayed the judgment of theſe learned men on that Law preſcribed by *Moſes* to *Iſrael*, in *Deut.* 13. 6, 7. 8, 9, 10. *If thy brother, the ſon of thy Mother, or thy ſon, or thy daughter, or the wife of thy boſome, or thy friend which is as thine own ſoul, entice thee ſecretly, ſaying, Let us go and ſerve other gods*, &c. *thou ſhalt not conſent unto him, nor hearken unto him, neither ſhall thine eye pity him, neither ſhalt thou ſpare, neither ſhalt thou conceal him; but thou ſhalt ſurely kill him; thine hand ſhall be firſt upon him to put him to death; and afterwards the hand of all the people*, &c. *and all Iſrael ſhall hear and fear, and ſhall do no more ſo wickedly*; did not this Law bind to the ſame act? give the ſame occaſion? lay the ſame neceſſity which is laid by this Article of the Covenant?

And

And was it *contrary to Religion, Nature and Humanity?*

Did these Gentlemen think we expect to be preferred by this notion of Policy? or if they suggested this exception by *a spirit of Prelacy*, will it not bespeak that Government prejudicial to the Civil State, which condemneth *Conventicles* in acts of piety, but admits *Families*, the Subjects *houses*, the places and *natural affection*, to be the protection of Treasonable, Seditious Conspiracies?

But they adde against this Article, that it binds to *suffering punishment by an arbitrary power, without Law or Merit, contrary to the liberty of the Subject declared for by the House of Commons.* Let us, Sir, but read the words of the Covenant, and that will evidence *a contradiction to the Parliaments Declaration*, of the same nature with those we have before observed; the words are these, *That they may be brought to publick Tryal, and receive condigne punishment, as the degree of their offences shall deserve, or the Supreme Judicatories of both Kingdoms respectively, or others having power from them for that effect, shall judge convement*: If Sir, *condigne punishment* on *publick Tryal*, according *to the degree of the offence*, be without law or merit, and *Judicatory, Supream Judicatory*, be Arbitrary; *High Courts of Justice*, and their proceedings will be Just and Regular, and the liberty of the Subject; for I think them to be more Opposites, than the Protestation and Solemn League and Covenant.

Oxford Exceptions to the fifth Article of the Covenant.

Unto the fifth Article of this Covenant, they profess a readiness to confederate, but they pretend to a double *Remora*.

1. *They do not see the happiness of such a blessed peace between the three Kingdoms*, Ireland *being at War within it self.*

To which I should have said no more than this:

Gentlemen, where are your eyes, and what obstructs your sight? when you sware the Protestation, you sware, *By all just and honourable wayes to endeavour to preserve the union and peace of the three Kingdoms, of* England, Scotland *and* Ireland.

Was

Was not *Ireland* then at War within it ſelf? Or have you forgotten that it was ſo? or is not the Peace now concluded by *both Parliaments*, and confirmed by this *Covenant*, a greater happineſs of ſettlement than was then obtained! Sure ſome ſtrong paſſion acted theſe learned men, to make *Mountains* againſt the Covenant, what were *Mole-hills* when they ſwore the Proteſtation.

But their ſecond *Remora* is, *That no peace can be firm and well-grounded, which is not bottomed on juſtice, whoſe proper and adequate act, is* jus ſuum cuique, *unleſs the reſpective Authority, Power and Liberty of King, Parliament and Subject be preſerved full and entire.*

To this I ſhould ſay no more then this; Specifie the defect of this Covenant, as to theſe particulars; for I cannot read or underſtand, if they be not all ſecured by the ſame; Suggeſtions without plain Demonſtration, do proclaim jealouſie and prejudice; but make no Argument or good Apology againſt required duty.

Unto the ſixth and laſt Article, being an *Obligation of adherence to this Covenant againſt all oppoſition*; they ſay no more then what muſt be expected, that *untill they be ſatisfied in the Premiſes ſtated in the foregoing Articles of the Covenant, they could not ſubſcribe to this Concluſion*; which we muſt needs admit them, hoping that a more cool & ſerious ſurvey of the *Covenant*, & ſecond thoughts on their *Exceptions* thereunto, may ſatisfie their *conſciences*, and lead them to bewail their unhappineſs in throwing ſuch ſtumbling blocks before their weak Brethren, under the Name and Authority of a Famous and Learned Univerſity; and for their groundleſs diſſent and refuſal of an enjoyed duty, relating to *the Honour of God, Reformation and defence of Religion, Honour and Happineſs of the King, Peace and Safety of the Kingdoms*, in a Solemn League and Covenant; which, Sir, we find, notwithſtanding theſe ſo much admired Exceptions, approves it ſelf lawful, in reſpect of the *matter therein ſworn to be preſerved or purſued*; and will the better ſtand under all defects and miſcarriages in point of manner and form of making it; which is the next thing to be conſidered.

Oxford Exceptions to the ſixth Article of the Covenant.

Sectio

Sectio quarta.

Propoſition 4. *The Form and Manner of making the Solemn Leagne and Covenant, was good and allowable.*

IN the Conſideration of this Poſition, I intend not to conſider *the Form conſtituting it an Oath*, which is evident, and known to all, to have been *a Solemn Calling to God to witneſs, and avenge the violation or neglect thereof*; in reſpect of which its obligation is eſtabliſhed, againſt whatever defects and miſcarriages did attend the agitation thereof; from which nevertheleſs I would deſire it (as much may) be acquitted; for it is pity ſo good matter ſhould be blemiſhed by the circumſtances which attended it.

Nor ſhall I inſiſt on an Hiſtorical Narration of the *publick Aſſemblies*, in which it was taken; the *Solemnity* thereof in reſpect of the quality of perſons; *the Parliament, both Lords and Commons*; *the Commiſſioners of* Scotland, *the Aſſembly of Divines*, making the firſt Aſſembly that entred into it; nor the *Order* by Solemn Humiliation and Prayer, and ſerious Inſtruction and Exhortation which attended it; nor the *univerſal alacrity, joy and content* of the moſt ſerious in *England* and *Scotland*, which accompained this firſt Act of making the Covenant; nor the after *particular Solemnities*, both for number, quality, and diſpoſition *of perſons*, and religious compoſed *order*, in which it was taken in the City of *London*, the ſeveral Counties and Congregations of *England*, then which I may boldly ſay, no publick Act ever paſſed by and among the people of *England*, *more ſolemnly, or more religiouſly*; which though it be now darkned and deſpiſed, doth ſet a luſtre on this Covenant to abide under the greateſt contempt and reproach caſt upon it; and will moſt ſtrongly bind in the preſence of God and men.

But my intentions are to defend thoſe actions as *good*, I do not ſay *neceſſary* and *allowable*, which were, and might be done without any ſin, or any debilitation of the Covenant, againſt which I find the Exceptions of the *Enemies to the Covenant* moſt ſtrongly

ſtrongly bent, that thereby they might repreſent it *vile*, if not render it *void*; and theſe are either,

1. *The order of the words.*
2. *Nature of the thing.*
3. *Authority which enjoyned it.*
4. Or the action and *geſture of the body* uſed in the ſwearing of this Covenant.

All which I humbly conceive will be found ſuch, as might well ſuit ſo ſolemn an Act, as is *a National Covenant*; yet I find ſome late oppoſition thereunto, and in ſpecial, by the *Oxford Reaſons*, and the *League Illegal*; I ſhall briefly try their ſtrength.

1. The order of the words vindicated againſt Dr. *Featlies* League Illegal Pag. 14.

1. Sir, As to the *order of the words*, I find Dr. *Featlies* ghoſt in the *League Illegal*, like ſome helliſh fury, repreſenting the Dr. to have been a man ſo haughtily devoted to the punctilio's of order and honour, as *not to brook, or keep his hands from tearing a Liſt, Catalogue or Regiſter wherein they who were below him, ſhould be ranked above, and named before him*; in ſenſe whereof he thus breaths againſt the Covenant; *Not to take advantage of the repoſterous order in ſetting down the parts of this Covenant, wherein he that runneth, may read a double Soleciſm; for in it the Church of* Scotland *precedeth the Church of* England; *and the Liberty of the Subject is ſet before the Royal Prerogative, and Imperial Dignity of the Prince.*

Sir, admit we this; Is it not an high crime? and beſpeaks it not a ſober ſerious ſpirit in Dr. *Featly*, a Member of the Aſſembly of Divines (who by a motion might have had this order inverted, as eaſily as he obtained to have *Prelacy* ſpecified in the ſecond Article of the Covenant after it was paſt) to pick a quarrel in the order of the words? although we deny not, That *ſuch a ſacred and venerable evidence of fidelity is the Covenant, that matter, manner, phraſe and order ought to have* (as I preſume they were) *been maturely adviſed*; yea, I wiſh *line and period, word and ſyllable* (which might be the Printers *Errata*) had been ſo ſcanned, that a captious *Momus* might not find a Colon or Comma, at which he might boggle and pleaſe his humour; yet it is but a poor advantage from the punctilio's of *order and honour*

to argue against matters of moment, *duties and exercises of Religion*; and by *misplaced words* to make an Oath or Solemn League *illegal*; I, but do I not run too fast? he tells us *he will not take the advantage*; an honest man is indeed as good as his word; but I cannot trust him; for his ninth Argument, *This Covenant is derogatory to the Honour of the Church and Kingdom of* England, is thus proved; *The Church of* Scotland, *is set before the Church of* England. I like not that mans grace, that with the same breath will *remit and retort an indiscretion*; yet Sir, I cannot but enquire whether the preferring of the *pompous gay-cloath'd Church of* England before the poor Church of *Scotland*, look not like a *species* of that impious partiality, condemned by the Apostle *James*, *Chap.* 2. 1, 2, 3, 4, 5. Can we think this Dr. had the *faith of our* Lord Jesus Christ in respect of persons, or was acted by such a spirit of contradiction? No, this language was spoken after he was dead.

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2. But these *Solecisms* are not to me so obvious; I stand still, and cannot read them; though I read the Covenant with all observation and regard; yet I confess I find *the Church of* Scotland *set before the Church of* England; and the *liberty of the Subject*, *before the Prerogative of the King*; but they are propounded with Relation to different Acts; the Reformed Religion of *Scotland* to be *preserved*; of *England* to be *Reformed*; I hope it is no Solecisme to put the *factum* before the *fieri*; and to swear the *preservation of good acquired*, before *an endeavour to obtain* the same, or better; or to prefix the *pattern*, to what is to be thereunto confirmed; when this Authors second thoughts had observed this *salvo* to his suggested* *Solecisme*, he grudges that *Scotland* should be propounded *as a pattern of Reformation to* England; for which he had little Reason, if venerable *Beda* speak true, in that he reports, That * *that Nation did at first communicate the Science of Divine knowledge*, *without grudge or envy unto the people of* England; I hope it is no Solecisme to *propound them as a pattern of Reformation*, who have first obtained it; and from whom *Christianity it self* was at first to us transmitted.

* *Mira divinæ factum constat dispensatione pietatis, quod gens illa quæ noverat scientiam divinæ cognitionis, libenter & sine invidia populo Anglorum communicare curavit.* Bed. Eccl. His. Gen. Ang. l. 5. c. 23.

The second supposed *Solecisme*, is no more visible than this first; for if the liberty of the people be the *end and excellency* of the Prerogative of the King, as all wise Statists and Politicians

ans do affirm; he ſure will admit to be the firſt *in intention and endeavour*, although the laſt *in execution and enjoyment*; and the rather, for that it is ſo directed and dictated by the Maxime of His late glorious Majeſty, declared at the paſſing of the Petition of Right, *The peoples liberty ſtrengthens the Kings Prerogative, and the Kings Prerogative is to defend the peoples liberty.* I am ſure more ſerious and publick Stateſmen than he or I ſhall ever make, have judged it a *Soleciſme* in Parliaments, to ſupport the Kings Prerogative by ſupply of moneys, before the oppreſſions and burdens of the people have been relieved, and their liberties ſecured; and I believe I could prove that this is not the firſt Covenant made in *England*, preferring the Peoples liberty before the Kings Prerogative, without which the King may *Tyrannize over ſlaves*, not *Rule over free-men*; which laſt is, and will be His greateſt honour.

2. The nature and name of the Covenant vindicated. *Oxford* Reaſons Sect. 2. pag. 3.

The ſecond thing in reſpect of which the Covenant is blemiſhed and reproached as to the manner of making it, relates unto the *nature* thereof; and the *name* is the noration of its *nature*, and it is called a *Solemn League and Covenant*, againſt which the Maſters and Scholars of *Oxford* do except, ſtumbling at the name *Covenant*; they were learned men, and muſt a little ſtand on the propriety of words; they therefore except againſt this denomination, becauſe *impoſed with a penalty*, which impoſition ſay they, is *repugnant to the nature of a Covenant, which being a contract, implieth a voluntary mutual conſent of the contracters, whereunto men are to be induced by perſwaſion, not compelled by power*; *pactum eſt duorum pluriumve in idem placitum conſenſus.*

To this Sir I grant, that a *Covenant* in the ſtrict acceptation of it, muſt be *an agreement by mutual conſent*; yet I muſt enquire of theſe learned men whether the Magiſterial impoſing of abſolute duty, or actions otherwiſe indifferent, by Superiours upon their Inferiours, and that under a penalty, may not be called a *Covenant*? What think they of that injunction to Mankind in *Adam*, *Of the Tree of good and evil thou ſhalt not eat*; *for in the day thou eateſt thereof, thou ſhalt die the death*; we read not of any *ſtipulation in Adam*: And Divines tell us it was neither neceſſary nor proper, he being bound to accept the conditions his

Creatour would put upon him; I am sure this is generally judged a *Covenant*, and that we commonly call the *Covenant of Works*.

Again, In the Primitive Times of the Church, adult persons did answer certain questions propounded, as *credis? credo; abrenuncias? abrenuncio*; to which the Apostle *Peter* is thought to refer his

1 Pet. 3. 21. *Beza in Loc.* συνειδήσεως ἀγαθῆς ἐπερώτημα εἰς Θεόν? which *Beza* renders, *Stipulatio bonæ conscientiæ apud Deum*, and from this order *Tertullian* concludes: *Anima non lavatione sed responsione sanctitur*. Do these learned men (as the Anabaptists) think the Covenant of Grace is not passed between God, and the Infants of believing Parents in their Baptisme, who are not capable of such *consent and stipulation*, but were dedicated by the Authority and Interest of the Parent; and are accepted by the extent of the Covenant? or is confirmation an essential part of the Sacrament, and necessary supplement of Baptisme? I find a like case in Scripture called a Covenant, *Gen.* 17. 13. *My Covenant shall be in your flesh*; the stipulation of *Godfathers and Godmothers* will not relieve the case, unless they be deputed by the *Infants*, though they were (which doth not appear) commissioned by the Lord; so that some Covenants are imposed, and pass without our mutual consent.

2. May not an *agreement* between two different Nations, passed by the *mutual consent* of the Princes, or Body Politick, be for further security sake, *imposed* by the Authority of each Nation on the *individual Subjects* thereof, and that *under a penalty*? which may be *a good perswasion* against their peevishness and pertinacy, who by their private interest may obstruct the more general and publick good; and yet be properly denominated a Covenant; as suppose between *England* and *Spain*, which the Merchants of both are *bound to keep*; and I see no cause why they may not be *compelled to swear*; I hope the case will not differ between *Scotland and England*, who are distinct Nations, though under the same King; it is Sir no hard matter to make this the case of the Covenant.

3. The Authority imposing the Covenant Vindicated.

But these learned men do except against the *Authority enjoyning the Covenant*, which is the third particular, in the manner of making the Covenant, *supposed to be miscarried*; and herein Dr. *Featlie*'s Ghost doth follow them, but so very weakly, and with such

ſuch palpable contradiction, that I ſhall not ſpend time and paper in obſerving the ſame; but ſpecially take notice of what is urged by the *Oxford Reaſons* from which he borroweth his ſtrength.

Here, Sir, I ſhall deſire it may be noted, that I do not affirme the *authority to be full and compleat*, but to have been *lawful and ſufficient to impoſe an Oath*, and thereby bind the people (wherein notwithſtanding they ſhould have been *defective and fallacious*, yet this will not diſcharge the obligation laid, as I have in my *Analepſis*, pag. 13. and before in * this Tract obſerved) againſt it, therefore as ſuch I ſhall endeavour to weigh the Exceptions. Pag. 23. 21.

The firſt whereof is, That *this impoſing of this Oath was contrary to the liberty of the Subject, expreſſed in the Petition of Right, to which liberty the impoſition of a new Oath, other than is eſtabliſhed by Act of Parliament, is thereby declared contrary.* *Oxford* Reaſons. *Sect.* 2. pag. 3.

Unto this, Sir, I ſay, I cannot but obſerve what ſtrength of prejudice acted theſe learned men in making to themſelves theſe Doubts and *Reaſons againſt the Covenant*; which leads them almoſt throughout their Book to infer generals from ſpecials; as I have before noted in our Arguments, ſo in this; the words themſelves do quote out of the *Petition of Right*, are theſe, *Whereas many of them have had an Oath adminiſtred unto them not warrantable by the Laws and Statutes of this Realme, they do humbly pray that no man hereafter be compelled to take ſuch an Oath*; according to which words, it appears to be ſome *ſpeciall Oath* that was *complained of*, and unto which the *relative* doth refer; the which, if they would pleaſe to obſerve, the connexion of the words will be found to have been *a particular and ſpecifical Oath*; the words in the *Plaint* run thus, *By means whereof Your People have been in divers places aſſembled, and required to lend certain moneys unto Your Majeſty, and of them, upon their refuſal ſo to do, have had an Oath adminiſtred unto them, not warrantable by the Laws and Statutes of this Realm*; ſo that it appears to have been *an Oath of diſcovery* of their Eſtate, *upon refuſal to lend moneys*, or ſome *Oath ex officio*, unto Petition of Right.

ſelf-

self-accusation, beyond the *Statute of the 25th.* Henry *the third*, which is in this point complained of, as violated; and the *prayer* of that Petition doth no less specifie this Oath by the Relative *SUCH*, which referreth unto the quality of the *Oath complained against*; so doth also the concatenation of the prayer, which proportionally to the Plaint, is, *That no man be compelled to make gift, or loan*, &c. or be called to *make answer, or take such Oath*; so that this was an *Oath to make answer* unto the damage of a mans own Estate, Life, or Liberty, which is repugnant to Nature, and herein aggravated, as not *warrantable by the Laws and Statutes of this Realm*; a more full description whereof, these Gentlemen might have received in the Statute 17. *Caroli*, *concerning Commissioners for Causes Ecclesiastical.* Now Sir, from this *special* to argue against *all Oaths* that pass not by Act of Parliament, is a plain *non sequitur*, and unjust inference; the *Companies in London*, or it may be some *Colledges in Oxford*, are constituted by the Kings Charter or Patent, and the Master and Wardens of the one, or President and Fellows of the other; give an *Oath* to all that become Members thereof, and expect to participate in their priviledges; will these learned men say, that these Oaths not imposed or prescribed by *Act of Parliament*, were contrary to the *Petition of Right*, which never complained of, or prayed against such Oaths? I do not think these men would have had us to think that the *Oath & Catera*, enjoyned in the Canons of 1640. was against the *Petition of Right*, which certainly would bespeak the Bishops *something prejudicial to the Civil State*, and yet it was never passed by *Act of Parliament*. Moreover, these learned men subscribed, and swear to the *Protestation* of *May*, 1641. they did not sure then think that submitting to swear that Oath, they did violate, or betray the *liberties of the people, expressed in the Petition of Right*; they should do well to tell us by what *Act* (I do not say Authority) *of Parliament it was established?* I humbly conceive that there is a vast difference between an *Oath of exaction, self-discovery, or accusation*, which is wicked in its nature, and more wicked, when without warrant from the Law; and an Oath *for establishment of publick and general good, imposed by the Authority*, though not established by *Act of Parliament*, it is not the simple taking an Oath without consent of Parliament, but the taking *such*

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an Oath, as may impeach the persons, or endanger the Estates of the Subject, which was the Peoples grievances; nor is it the formality of an Act, but the full consent of the people in Parliament, makes an Oath lawful, and preserveth their liberties in the imposing of it.

But these Masters and Scholars of *Oxford* fear, by owning this Covenant, they should *own a power in the imposers thereof, then for ought that appeareth to them, hath been challenged in former times, or can consist with their former Protestation (if rightly understood (in sundry the most material Branches of it.* Ibid.

Unto this Sir, I must say, that I know not *what did appear to them* to have been the *power of the imposers*, and *challenged in former times*; only unto me, and many others, it *did appear* not to be the *meer natural Power of the People* preposterously, and in a tumultuous manner assembled, who yet do appear to have *a power* to impose on themselves an *Oath*; and to whom I find Soveraignty it self (to speak it with due Reverence) in some measure subjected, and its obligation superseded; if not made void, clearly barred from execution; if but by the impossibility put thereon, as it was in the case of *Jonathans* Rescue; which I shall only report in the words of Bishop *Hall*, Saul *hath sworn* Jonathans *death, the people contrarily swear his preservation, his Kingdom was not so absolute* (yet more absolute than *Englands*) *that he could run away with so unmerciful a justice, their Oath, which savoured of disobedience, prevailed against his Oath, which savoured of too much cruelty; and so long as his heart was not false to his Oath, he could not be sorry* Jonathan *should live*: I do not in any case justifie the prepósterous and tumultuous Assemblings and Assumptions of the People, whereby they lay on themselves Bonds which must not be broken, and cannot well without much difficulty be kept; yet I cannot but observe many times whereby, the *Vox populi*, is *Vox Dei*; as in the very change of the Government of *Israel*, on which Dr. *Hall* Notes *It was Gods ancient purpose to raise up a King to his People; how doth he take occasion to do it by the unruly desires of* Israel; but (blessed be God) this was not the case of the Covenant; the imposers did not assemble on their own heads, and by violence. *Halls* Contemp. P. 1038. Page 10. 24.

lence and diſorder aſſume unto themſelves an unuſual power.

The *power* impoſing this Covenant, was a *Parliament*, the Collective Body of the Kingdom; Duly Summoned, Regularly Elected and returned; Rightly Conſtituted, and Readily Embraced by King and Kingdom, and animated with more than ordinary Parliamentary power, *by the Bill for their continuance againſt all Caſualties*, ſo as not to be *Prorogued, Adjourned, or Diſſolved, without their own conſent*: And can any True-born Engliſh man (in any meaſure acquainted with the conſtitution of this Kingdom, or the Authority of the High Court of Parliament) deny theſe to be a *juſt and lawful Authority* to reſolve, order, and enjoyn, yea, and execute their Reſolves, Orders and Injunctions, during the being of their power; though not to eſtabliſh Lawes to be executed, when they were diſſolved and gone.

Sir, I cannot without ſad thoughts, remember the unhappy difference between His *late Majeſty*, and the late *long Parliament*; which occaſioned the unhappy oppoſition of the *Peoples Liberty*, and the *Kings Prerogative*; as I cannot but wiſh they had been acted ſo *conjunctly*, that they might have ſeem'd to vulgar apprehenſion to have been but *one*; ſo I cannot but judge it prudence that a period be put to the diſpute thereof, upon the now Happy Re-union of his moſt Sacred Majeſty, and theſe too long diſtracted Kingdomes; I am clearly of opinion with *Ariſtotle*, that Prince of Politians, That *Regal Government is beſt eſtabliſhed, where the Princes and People do participate of it; and that* Theopompus *the Spartan, in tranſmitting ſome of his Prerogative to his Ephori Princes, might well maintain the encreaſe of his Dominion, whilſt he made it longer by making it leſs*: I think therefore that the wiſeſt men, and beſt Subjects, will rather think, then aſſert, *a Prerogative in the King above His Parliament*; and I for my part ſhould be content to find in the Parliament *a ſufficient power to impoſe an Oath on the Subject, without the Kings conſent*, rather than to aſſert their Superiority unto Him, in all points and particulars: And when Sir I conſider the power, even *over and againſt their* King in the Princes, and the Collective Body of the People Recorded in Scripture, as in *making War*, Joſh. 22. Judg. 20, *Changing the Government*. 1 Sam 8.

Ariſtot. Polit. lib. 5. c. 10, 11.

Chooſing

Choosing and establishing, not only their first, but succeeding Kings, though immediately appointed, and sometimes anointed by God, as in the case of *David*, *Solomon*, and *Rehoboam*, and others, *in removing from the King Favourites and Counsellors*; as *David* was against the mind of *Achish* the King, dismissed by the Princes of the *Philistines*, 1 *Sam.* 29. in *restraining the Kings purpose* of destruction, confirmed by an Oath once and again, as in the case of *Jonathan*; or of *protection*, as in the case of *Jeremiah* the Prophet, concerning whom *Zedekiah* the King said, *He is in your hands, the King is not he that can do any thing against you*, Jer. 38. 5. In these and the like cases, *Josephus* tells us, *the King might not do any thing without, or against the sentence of the Senate or Congregation:* Methinks a divine defence may be well made for the power of the Parliament in this case acted and admitted; though without, and against the consent of the King.

Joseph. Antiq. Jud. lib. 4. cap. 18.

And when I consider what is Dogmatically asserted by Politicians, and no mean Lawyers, in reference to the power of general Councils and Conventions of Kingdoms in general, as of *Englands* Parliaments in particular, as in the *Council of Basil against the Pope, the whole Realm hath more Authority than the King*. The same asserted by *Marius Salamonius*, who by many Arguments doth defend it, he was a Roman Lawyer and Philosopher; *Hollingshead* and *Vowel* in their Description of *England*, declare concerning the Parliament, *That this Court hath the most high and absolute power of the Realm*; and that not only without, but against the King, *by it offenders are punished, and corrupt Religion reformed or disannulled, and that whatever the people of* Rome *might do centuriatis, comitiis, or tribunitiis*; which I am sure was to impose an Oath, *the same is, and may be done by Parliament*; unto which may be added what is spoken to the same effect, and almost in the same words, by Sir *Thomas Smith*, Secretary of State to King *Edward* the sixth, and Queen *Elizabeth*, and a Doctor of the Law, in his *Common-wealth of England*; and *Horne*, an Eminent Lawyer in *Edward* the first his Reign, in his *Mirrour of Justice*, cap. 1. p. 7, 8, 9. and *Fortescue*, Lord Chancellor to *Henry* the sixth, in his Book *de Laud. Leg. Angl.* cap. 9. and *Bracton*, quoted by these learned men, who certainly affirms more than they can approve, *Rex*

Foxe, Acts and Monuments. p. 616.

De principatu. lib. 1. p. 17, 18.

Vot. 1. cap. 1. p. 173.

habet Superiorem Deum, item legem, per quam factus est Rex; item curiam suam (viz.) *Comites & Barones*, &c. *Et ideo si Rex fuerit sine fræno debent ei frænum imponere*; and above all, *the Soveraign Powers of Parliaments judiciously defended* in our very case, by that profound Lawyer, Mr. *William Prynne*, approved no less Loyal to, and Zealous for the *Kings Prerogative*, than Loving to the *Peoples Liberties*. I see not how we can avoid this Conclusion, That the *Votes, Orders, and Ordinances of the Lords and Commons in Parliament, even without or against the Kings personal command, is to be obeyed and observed.*

Lastly, When I observe the Transactions of Parliament in the times of *Vortiger*, *Sigebert*, *Ofred*, *Beornerde*, *Edwin*, and *Edgar*, and other Saxon Kings, *Deo dictante & annuente populo*; the power of Parliaments in the times of King *John*, King *Henry* the third, *Richard* the second, and other Kings of *England* refusing to assemble at the Kings Call, assembling without the Kings Writ, establishing Laws, correcting Vice and Misdemeanour, executing Justice, and *entring into Oaths and Covenants*, without and against the Kings consent; and when I observe in all Parliaments a power of regulating the Kings Court and Council; of restraining, limiting, and enlarging the Kings power of Jurisdiction and Prerogative; nay, of making void or valid a Title unto the Succession to the Crown, as in the times of *Henry* the eighth, in case of *his many marriages*; and that during the Session of Parliament, all Laws are under covert at their feet, to be by them established or destroyed, and are by any Vote or Order superseded, before a formal Repeal; and that in all Ages, and on all sides, it is confessed, and cannot be denied, that the *authority of Parliament* is exercis'd in al *Votes, Orders and Ordinances of the two Houses*, unto the *decision of present controversies*, upon Appeal from other Courts of Judicatory, wherein they can, and may authorize Examinations on Oath, and make a final judgement, unto the *ease and relief of the Subject*, not otherwhere relievable; unto the *enforcement of any Act to be at present done and executed* for the good of the Kingdom, or any particular persons or society thereof, without so much as desiring the Kings consent and concurrence; and if this power should be denied, what could the frequency of Parliaments, provided for by the old Law of King *Alfred*, and after by the Statutes of 4. *Ed.* 3. 4. 36. *Ed.*

36. *Edw.* 140. *twice*, or at leaſt *once every year*, on this very ground, *that the people might receive right by holy judgment* (ſuch was the judgment of Parliament deemed) and that *the miſchiefs and grievances which daily happen, might be redreſſed if need be*; on which account Proclamation was wont to be made in the open Palace, before the breaking up of Parliament, *Whether there be any that have delivered a Petition to the Parliament, and not received anſwer thereunto?* And this power removed, what will avail the *Triennial Parliaments* conceded by His late Majeſty, or of what benefit was the *continuation* of this late long Parliament, *againſt all Caſualties whatſoever that might fall out to diſſolve them?* Can it be rationally imagined, that their being ſhould be continued and ſecured, to ſit within thoſe Walls in Council and Debate, without any power to order or execute the Emergent Affairs of the Nation? Theſe things well conſidered, I ſay, I ſee not how the impoſing an Oath can be an *aſſuming*, or the people ſwearing, *an acknowledging of a greater power than hath in former times been challenged.* If theſe Gentlemen will conſult our own Hiſtories in the caſes before touched, they will find a power much greater, not only challenged, but aſſumed and exerciſed; the which the ſeaſon, and preſent ſtate of Affair do forbid me to recite, in hopes that there will be no need *to rip up our wounds* newly healed; and theſe generals may, I hope, ſufficiently juſtifie the *ſufficiency of that authority* which brought us into Covenant.

But theſe learned men ſuggeſt an *inconſiſtency of this power with their former Proteſtation in ſundry material Branches*: Methinks, Sir, they ſhould have ſpecified thoſe *Branches*, and the rather, becauſe *material and many*. The Proteſtation contains not *many Branches*; and thoſe few ſeem to be fully conform to this Covenant in all the particulars; and wherein they have ſuppoſed a *contrariety*, we have before evidenced only a diſſonancy at the moſt; and that *Ratione*, not *Re*, in the manner of expreſſion, not the thing ſworn: they then proteſted to *preſerve the power and priviledges of Parliament*, and ſhould not covenant any more, nay, ſcarce ſo much in this Oath; for they herein promiſe to preſerve the *Rights and Priviledges*, which is ſomething ſofter than *power*; and I wonder they that then ſaw a *power* to be preſerved, could not now ſee a *right*: I will only enquire whether they thought the

Parliament had a *power to impose that Oath*, and not a *right to impose this?* There was no Act of Parliament, nor Assent of the King to that; I observe the King in His Messages to the Houses, doth note it to be *their own Protestation*, as if He had no hand in it, nor consent unto it; and if by *power* they should mean *natural strength*, not *political authority*, it hath been urged by many as their grievance, and by these Gentlemen themselves in the foregoing Exceptions, that they had too much of that: It is the unhappiness of a scrupulous conscience to run it self on *contradiction in actions*, as well as assertions; to swear as *lawfully called* at one time, but not to *dare to swear an Oath* containing the same matter, though called by the same authority another time.

But that which was the greatest doubt with these learned men, was, *the King by His Proclamation*, Octob. 9. 19. Carol. *had expressely forbidden the entring into this Covenant*, it being in His *power to make void the same.*

Pag. ibid. & 4.

That such an Interdict had been published by His late Majesty, we cannot deny; but not as Dr. *Featly his ghost* supposeth, *on pain of Treason*; for no Proclamation of the Kings of *England* did claim the formality of a Law, so far as to fasten *Treason* on the non-observance of what is thereby enjoyned.

League Illegal. p. 16.

2. I am not satisfied *how regularly* His Majesty did issue forth the said Proclamation; which is not usually done, but *by the advice of His Council*, who are vailed by the Session of Parliament; and all Proclamations then usually run *by the Advice of the Lords and Commons in Parliament assembled*; and if at any time the Lords and Commons, or either of them during their Sessions, give out Orders, not only relating to the Estate they represent, but to any others, the Subjects of this Realm; it hath not been usual for the King, by the Authority of His Proclamation, to thwart, oppose, and void them; and in a case of this nature, a good observer may find, the Parliament have judged the Kings opposing, or taking notice of any thing by them debated or ordered, before it is regularly propounded to Him by themselves, to have been *a breach of privilege*, and so to have been acknowledged, and as such retracted by His late Majesty, the little pleasure I have in the story, forbids instances, hoping general hints may answer the learned and sober.

3. Nor

3. Nor am I convinced that it was in *His power by the equity of the Law*, Numb. 32. (they mean 30. 2.) *to annull and make void the Covenant*; for admitting the *equity of that Law* by Analogy to reach us, I hope no adult child ſhall on obſervation of irregularities in the Government of a Family, be barred from vowing *in his place and calling, to his power and capacity ſincerely, really, and conſtantly to endeavor the Reformation thereof*; viz. *Quenquam qui gaudet uſu rationis ita plene ſub alterius poteſtate eſſe quin ut ſit quantum ad aliqua ſaltem ſui juris*, is Dr. *Anderſon's* Rule; though the *effect may*, yet *the lawful endeavour* cannot be out of the childs reach; if the child or wife ſwear nothing but poſitive duty, or what is within their power, and ſo limit their vow; I hope the Superiours interdiction, will favour more of paſſionate miſtake, than ſtrength to avoid the vow. *De Juram.*

Yet I muſt confeſs I am not clear, that the *equity of that Law* will reach our caſe, I was ever willing to yield His Majeſty the Reverence due to a Political Parent; but in this caſe of conſcience wherein He is *abſtracted from, and oppoſed unto the Parliament*, I find a defect which makes me fear the *ſimile* will not ſquare; and though I can own Him as *a Parent to be by Him corrected and diſpoſed*, yet methinks the *Parental power* is placed in others, at leaſt conjunct with Him (*viz.*) the Parliament; I am ſure *Legiſlation* is Paternal power, and Execution more proper to the other Parent; and that the Lords and Commons have a ſhare, if not the greateſt ſhare, in *Legiſlation*, no true Engliſhman, nay, no ordinary Polititian, can or will deny; when I obſerve the King ſworn to Rule according to the Laws, *quas populus elegerit*, which the people ſhall chooſe, and the Writ for their Election to require that they be furniſhed, and have *plenam & ſufficientem poteſtatem pro ſe & communitate*, &c. *ad faciendum & conſentiendum his quæ tunc & ibidem de communi in conſilio dicti Regni noſtri contigerint ordinari ita quod pro defectu poteſtatis hujuſmodi*, &c. *dicta negotia infecta non remanant*: Paternal Authority, power to conſent and make Laws in the great Affairs of the Kingdom, as the Family; and when I obſerve Polititians and Lawyers, even Engliſh-men, generally to conclude the *forma informans*, form animating the Law to be the *conſent or choice of the people*; whence *Marius Salamonius*, that

that great Lawyer, defining the Law, ſaith, it is, *Expreſſa Civium Conventio*; and makes this the Reaſon of their obligation, *Li-*
De principatu. lib. 1. p. 35, 36. *gatur populus legibus ſuis, quaſi pactis conventis, quæ veræ ſunt leges*; whence *Theodoſius* the Emperour, writing to the Senate of
Inſtin. Cod. 1. Tit. 17. Lex. 8. *Rome*, doth declare *conſenſus univerſorum*, to be the *formality of thoſe Laws that he would eſtabliſh*; to which our *Hollingſhead*, and Sir *Thomas Smith* before mentioned, doth fully aſſent and concur, as likewiſe *Forteſcue*, who makes the King to be *as the Miniſter in Marriage, who may eſtabliſh and declare it; but the conſent of parties gives it being*; and the common Dialect of our own Statutes being, *the Aſſent of the Lords and Commons*, and *Authority of Parliament*, wich no leſs frequency than the Aſſent of the King; and that the *contriving, debating, fully forming*, by frequent reading, ſerious conſideration, and full diſputes, is the peculiar work of the two Houſes; whilſt a *Miniſterial Declaration* (though in a Dialect, and form of Majeſty) is the proper and only work of a King, though I deny not a *Parental power* and Prerogative to the King; I cannot but judge it more than probable, that the proper *Paternal power* is in the Parliament, or at the leaſt in the three Eſtates; and then, Sir, we are under this unhappy queſtion, Whether to obey father or mother, when they falling out, command different, nay, contrary things? this I confeſs is not more the diſtraction, than the confuſion of the Family; yet certainly in ſuch an unhappy chance, prudent and rational children, muſt, and will cleave to the principal *legiſlative party*, who hath a confeſſed authority and power to extend or reſtrain, augment or diminiſh the Prerogative and Miniſterial power of the other, bound to act according to their appointments.

Sir, Dr. *Gaudens* Appeal to the *Oxford* Reaſons, hath led me to this Diſcourſe, and unwilling diſtinction; but my prayer is, and hence-forward ſhall be, that *England may honour father and mother, and know no difference*; for the Caſe is now altered, and this Argument is of no force; as I thought I had ſufficiently hinted in my laſt; for His late Majeſty *forbade the Act*, but never aſſumed an Authority to *void the Obligation*; and His moſt Sacred Majeſty by His own ſubjection to it, Declaration for it, and Oath to endeavour the Eſtabliſhment thereof, *hath* (as is before noted) *made it valid*; and I hope ſuch as call Him Father, will

will weigh the *equity of this Law*, Numb. 30. 2. and not only acknowledge *their brethren bound by it*, but themſelves become ſubject to the ſame bond, which had before a lawful and ſufficient, but now hath a compleat and perfect Auhority.

4. The fourth and laſt particular in the manner of making the Solemn League and Covenant, is, The *action or geſture of the body uſed in the ſwearing thereof to declare the aſſent of the minde*; by which prophane ſpirits do endeavour to reproach it, for that it was not ſworn after the ordinary manner uſed among us, by *laying the hand on the Bible*, but by *lifting up the hand towards heaven.* Amongſt thoſe who have of late appeared againſt the Covenant, I find none ſpeaking againſt this geſture, ſave only Dr. *Featlies ghoſt*, who (like it ſelf, more ſcurrilouſly than ſeriouſly) pretends to Anſwer one Text of Scripture, which he ſuppoſeth to be the only one for defence of this geſture, *Rev.* 10. 15. *The Angel lifted up his hand and ſware*, &c. Unto which he ſaith, *That might be a fit geſture for an Angel menacing a fatal doom to the world; which yet may not be thought ſo fit a geſture for men entring into an holy League for the preſervation of two Kingdoms; If they can, as the Angel, ſtand upon the earth and the ſea at the ſame time: let them imitate the Angels in lifting up their hands when they make their Covenant; Howſoever, I think it a fitter geſture, in taking this Oath, than after the uſual manner to lay the hand on the Bible; for this Oath and Covenant hath no ground or foundation at all in that Book; and the lifting up of the hand, very well expreſſeth the purport of the Covenant, which is a lifting up their hands againſt the Lords Anointed and his Church.*

4. The geſture in making the Covenant, vindicated.

League Illegal p. 21.

The very tranſcription of this is a ſufficient confutation: Who can read it, and not run and read *a moſt malicious heart venting it ſelf by a moſt weak head*! Sounds not this Argument like Dr. *Featley*? Sure his Executor thought his name enough to make acceptable the dulleſt notions could drop from his own brain.

I ſhall deſire it may be conſidered.

1. *No particular geſture is neceſſary and appointed of God to be uſed by men in making Oaths and Covenants*; and therefore

fore men have choſen what geſture of the body to them ſeemed good to declare the aſſent of the mind; as *Abraham* and *Jacob*, *the putting the hand under the hallow of the thigh*; our Countrey ordinarily uſeth *the laying the hand on the Bible, and kiſſing the Book*; but other Countreys, the *holding up of the right hand.* May not the Magiſtrate, preſcribing an Oath, preſcribe what geſture ſeems him good? They muſt needs be eager bent, who will fight with a ſhadow.

2. Is the lifting up of the hand a geſture *peculiar to an Angel?* only uſed *in menacing*, and when *he ſtands on ſea and land at the ſame time?* Did this man never read nor hear it uſed in other places of Scripture? and on other occaſions? or was it the vehemency or *verity* of the threatning, and doom denounced, which was witneſſed by it? What thinks he of *Abraham* in *Gen.* 14. 22. *I have lift up my hand to God, I will not take any thing that is thine?* He was no Angel, nor threatning any judgement, nor did he ſtand on ſea and land at the ſame time: Or, what thinks he of *Ezek.* 20. 5. *I lifted up my hand unto the ſeed of the Houſe of Jacob?* God was not an *Angel*; nor then *menacing any fatal doom*, but promiſing the greateſt bleſſings which *Iſrael* could enjoy, If he had pleaſed to conſult any Expoſitors on theſe or the like Texts, he ſhould find, that the *lifting up of the hand*, was the uſual geſture in ſwearing any Oaths and Covenants: He would make the World believe, the Covenanters were in an hard ſtrait to find an inſtance of this geſture in Scripture; and therefore they flie to the Angel in the *Revelation.*

3. Hath the Solemn League and Covenant *no ground or foundation in Scripture?* Suppoſe the matter of it be no more than he here ſuggeſteth, (*viz.*) *The preſervation of two Nations*; hath this no ground in Scripture? Did he never read therein of two Nations joyned in one Covenant, for the good one of another? But further, hath the *preſervation of the true Reformed Religion, and reformation, according to the Word of God*, no foundation in Scripture; are there no Hiſtorical Relations of Covenants of this matter? hath the *preſervation of the Kings Honour and Happineſs*, no ground or foundation in Scripture? hath *unity and uniformity in Religion*, no ground in Scripture, and are not theſe the matter of the Covenant? Can any thing but hor-

horrid impudence, ſay, *It was not fit for them to lay their hands on the Bible, for this Covenant hath no ground or foundation in that Book?* This Authour might have well forborne this charge, who himſelf concedes, that *punctilio* in the manner of making this Covenant, which many and himſelf would deny to have ground in Scripture, *(viz.)* the making it without the Kings conſent: For he grants, that *a Covenant to remove a ſcandal, and fulfill the expreſs command of God, may be made not only without, but againſt the conſent of the Prince.* If this Covenant fall not under one of theſe, nay both theſe qualifications, I have loſt my reaſon. League Illegal p. 20.

4. With what face can this fury ſay *the purport of this Covenant was the lifting up of their hands againſt the Lords Anointed and his Church*, whilſt its profeſſed inſcription, is, *A Solemn League and Covenant for Reformation and Defence of Religion, the Honour and Happineſs of the King:* Anſwerable whereunto are the grounds inducing to make it: *Having before our eyes the advancement of the Kingdom of our Lord and Saviour Jeſus Chriſt, the Honour and Happineſs of the Kings Majeſty and His Poſterity*; and accordingly promiſeth *the preſervation and reformation of Religion according to the Word of God, and to preſerve and defend the Kings Majeſties Perſon and Authority; that the world may bear witneſs with our conſciences, that We have no thoughts or intentions to diminiſh His Majeſties juſt Power and Greatneſs*: Whatever may have been the practiſes of ſome wicked men, who ſware this Covenant, it is as clear as the Sun, That *the lifting up of the hand for the good of the Church, Honour and Safety of the Lords Anointed, was the purport of the Covenant it ſelf:* And the violent rejection of the Covenant, as an Almanack out of date before the horrid violence done unto His late Majeſty, is a manifeſt teſtimony of it; together with the *proteſt* of the covenanted Secluded Members of Parliament, and of the Miniſters of *London*, againſt thoſe *perjurious proceedings*: As likewiſe, the *publick teſtimonies of the Miniſters of the Goſpel to the Solemn League and Covenant*, of almoſt all the Counties in *England*, do declare it: and the *diviſation and captivity of* Scotland, *the Sequeſtrations, Impriſonments, and death of many in* England; *and conteſts with all zeal, faithfulneſs, and conſtancy*, againſt all difficulties and dan-

gers, unto the very effecting of the Happy Return of His most Sacred Majesty, and that *in conscience of this very Covenant*, do loudly sound it through the world, if the same malice do not deafen the ear in hearing the comment, that darkned the eye in reading the Text.

Now, Sir, I must tell him, *the lifting up of the hand* might be a most proper gesture to the taking of this Covenant, not only as a gesture usual in swearing, and expedient, because expeditious in an Oath universally sworn by whole Assemblies, but as a sign of *Special suit and earnest supplication for divine grace and assistance*, Lam. 2. 19. Of *Solemn adoration and worship of God*; praising his goodness that had enclined the heart of the Governors of his people, to bring them into such a Covenant; *Neh.* 8. 6. Or *of joy and alacrity* in so Sacred a Bond unto such absolute duties tending to the honour of God, happiness of the King, and safety of true Religion, *Ps.* 119. 48. And in these respects it is a gesture no less suitable *to men than Angels*; and the *standing on earth, not sea and earth at the same time*, performing a duty, and promising things required in Scripture, and praying mercies and blessings, not *menacing a fatal doom*: Yet I will not deny that it imprecated Gods direful judgements to fall on the heads of such as should violate *this Solemn League and Covenant*; which our eyes have seen accomplished on such as slighted its obligation in the *Civil part* thereof: And I cannot but tremble, to think what must needs attend such as not only slight, but set against, and violently break through these holy bonds in that part *which immediately concerneth God and true Religion*; whilst we see the very *manner of making* this Covenant is no less justifiable, than the *matter therein sworn*; and being seriously considered, will not avail to reproach, much less to discharge the Solemn League and Covenant.

Sectio Quinta.

Fifth *Prop. The Ambiguities and Contradictions in the words of the Solemn League and Covenant, are imagined, not real.*

SO Sacred is the nature of an Oath, and so strict the obligation thereof, that I freely confess *simplicity of expression*, and pu-

ſincerity of intention, ſhould continually attend it; and *ambiguous or contradictory terms* do deſtroy the very nature thereof, deceive men, and blaſpheme God, in making him the Witneſs of a fallacy; yet theſe ambiguities and contradictions muſt be *real*, and in the *very words of the Covenant*, not in the *fancy* or imagination of ſuch as in prejudice do decline the Oath, nor in the intention of him that ſweareth, not willing to be bound; for if the words be clear and plain in their *proper ſignification*, or *vulgar acceptation*, the *apprehenſion of the confederates*, or *the due drift and ſcope of the Oath*, the Oath obligeth, and muſt be carefully obſerved, as Dr. *Sanderſon*, *Grotius*, and many others in this caſe do teach. *De juram. præl. 6. Sect. 22. 11. p. 173, 195.*

Some there are who charge the Solemn League and Covenant with *ambiguities and contradiction* in its terms, and therefore have declined to ſwear it: theſe (having had a care to their paſſion and prejudice) I cannot but commend, confeſſing that whilſt they but ſeem ſuch to their *imagination*, they might well be a *remora* to their act of ſwearing, and ſpur unto the ſtudy of the Oath to be ſworne; but others plead them as an Argument to make void the Oath; and ſuch had need to ſee that there is *no poſſibility of underſtanding the terms in a ſound ſence, and making them to agree among themſelves*, leſt they be found Students unto perjury: Foraſmuch as the laſt have recourſe unto the firſt, let us conſider what ſeemed to the one, and are ſince alledged by the other, *to be ambiguous and contradictory*, that the one may be juſtified, and the other acquitted if found real, or both condemned if found imagined.

The ambiguities that are urged are theſe: 1. Ambiguity.

1. Thoſe words in the firſt Article of the Covenant, *the common enemies*, the Maſters and Scholars of *Oxford* do charge *with ambiguity*, but aſſign no cauſe or reaſon for the ſame, and Dr. *Featley his ghoſt* following their exception, enquireth, whether by *common enemies* are meant the *world, the fleſh, or the devil, enemies to all true Religion*; *or Papiſts, and Independents, enemies to the Diſcipline of the Scotch Church.* *Oxford* Reaſons *Sect. 6 p. 17.* League Illegal *p. 27.*

Unto this exception, Sir, I anſwer:

The words *common enemies*, are words in their own nature and ſignification, plain and cleer to be underſtood; nor do I know them to be darkned by any variety of acceptation; they are indeed relative terms to be ſpecified, or particularly aſſigned by their *objects*, things, or perſons, ſo that *the Kingdom of* England, *or profeſſors of true*

Religion, being annexed to *common enemies*, as objects of that enmity, doth make its ſence plain and obvious to every capacity: If then *common enemies* had been mentioned in the Covenant without an object aſſigned, it might have been an *individuum vagum*, and ſo *ambiguous as not to be underſtood*: But they are not left ſo general; for they are limited with this poſſeſſive, *our*: The words run thus, *The preſervation of the Reformed Religion of the Church of* Scotland, *in doctrine, Worſhip, diſcipline and government, againſt OUR COMMON enemies*: This Relative *OUR*, doth limit and expl in COMMON ENEMIES; and if they will conſider the antecedent, which can be no other than the *Noblemen, Barons, Knights, Gentlemen, Citizens, Burgeſſes, and Commons of all ſorts*, &c. *living under one King, being of one reformed religion, having before our eyes*, &c. and men deſcribed by theſe and the like qualities, and in ſpecial, by one that is fully exegetical to theſe terms in the Preface of the Covenant, and diſcharge all imaginable *ambiguity* in them, (*viz.*) *Calling to mind the treacherous and bloody plots, and conſpiracies, attempts and practices of the enemies of God againſt the true religion and profeſſors thereof in all places, but eſpecially in theſe three Kingdoms, ever ſince the reformation*, they will find, that an ordinary Grammarian would eaſily read this Riddle, and tell them, *common enemies*, limited by this poſſeſſive OUR, muſt mean the *enemies of* England, Scotland, *and* Ireland, *as living under one King, in the profeſſion of one reformed Religion*; wherein ſome had made a progreſs to be *preſerved*, others were in purſuit of *a greater degree of reformation*; but all oppoſed by *the plots, conſpiracies, &c. of known enemies to true religion, eſpecially the profeſſors thereof in theſe three Kingdoms*: Now whilſt this enmity was not ſeen by the Maſters and Scholars of *Oxford*, it is no wonder if they imagined an *ambiguity* in theſe words, *Common Enemies*; and Dr. *Featley his Ghoſt* might hereby have aſſured himſelf, that both *the fleſh, the World, and the devil, are enemies to all true religion*, and ſo to reformation, and *Papiſts* profeſſed enemies to the reformed Religion, were here intended; and *Independents* (though ſcarcely then known by that name) by their *enmity to the diſcipline and government of Scotland* parts of the true reformed Religion, might be accidentally accounted into the number of the *Common enemies*, ſo far as the qualifications before mentioned in reference to the antecedent objects of this common enmity, will include them: And ſo Sir, the words can be of no very *dark or doubtful conſtruction* to the one, or to the other, there being no *real ambiguity* in them.

2. The

2. The next words charged with *Ambiguity*, are in the ſame Article *the beſt Reformed Churches*, concerning which the Maſters and Scholars of *Oxford* enquire *which they be?* but (by their leave) that is not neceſſary to be reſolved in or before the taking of the Covenant; yet the words are of a plain and clear conſtruction, making this ſence obvious to the meaneſt capacity, *in endeavouring the Reformation of the Church of* England, *the Word of God ſhall be our Rule*; *and* (*foraſmuch as many Churches are reformed, ſome more and better, ſome worſe and leſs*) *the beſt Reformed Churches ſhall be our pattern*; ſo that the Covenant aſſerts not which are *the beſt reformed Churches*, but binds the Covenanter to the obſervation of whatever *Church* ſhall appear, and be found the *beſt Reformed*, as the example to which he ſhall endeavour *England* may be conformed. The ſecond Ambiguity charged on the Covenant.

The next words imagined to be ſo ambiguous as to impede the ſwearing the Covenant in judgement, are in the ſecond Article, and profoundly ſtated by Dr. *Featley's Ghoſt*, who enquires, *what is meant by Church-Government, by Arch-biſhops, Biſhops, Deans,* &c. as if it were not ſo particularly ſpecified, that every ordinary capacity may run and read it, if he know any thing of the late *Hierarchy* in this Church: Dr. *Gauden* hath appeared no leſs willing to ſuppoſe and ſuggeſt the *ſame Ambiguities*, in his *Analyſis*; to which I have before Anſwered in my *Analepſis*; and he th it hath but half an eye cannot but ſee, that the very and whole frame of Government, by *Arch-deacons, Prebends, Chapters, Deans, Biſhops*, and *Arch-biſhops*, (whereby *all Government* which belongs to Presbyters in Common, was engroſſed; by a few pretended Miniſters to *Cathedral Churches*; and a *Superiority of Office and Order* above Presbyters, not ordained by God, or conſented to by themſelves, was exerciſed) is utterly to be aboliſhed, the which is ſo clearly expreſſed, that it can admit of no evaſive Salvoes. The third Ambiguity charged on the Covenant. League Illegal p. 27.

The next *Ambiguity* is imagined by the Maſters and Scholars of *Oxford*, to be in the fourth Article, in the word *Malignants*; and they enquire *who are to be accounted Malignants*, as if it were left in its latitude, to be underſtood by every mans private fancy; whilſt it is expreſſely limited and explained in the Article it ſelf; *ſuch as have been, or ſhall be Malignants, by hindring Reformation of Religion, dividing the King from his people, or one Kingdom from* The Fourth Ambiguity charged on the Covenant.

from another; so that the *Malignity predicated*, is described and specified by the formality of it; but those learned men know not how farre *the hindring Reformation of Religion may be extended.* To which I say, it matters not unto the discovery of *a Malignant*, for they will not deny both these to admit *majus* and *minus*; if Reformation be hindred, it is *Malignity*, which is in degree *more or less*, according to the measure of that obstruction which is made.

Again, they know not what are meant by the *Supream Judicatories of both Kingdoms*; sure they will not pretend to ignorance in the signification; they know well what a *Judicatory* is, and wherein *Supream*, almost every Englishman knoweth the sence of these Roman terms. I believe their doubt was, *which be the Supream Judicatories*; and the words can be construed no otherwise, than to mean, *those to which the other Courts of Judgement are subject, and from which there is no appeal*; if they please to ask Lawyers, I presume, they will tell them, it is the *Parliament*: yet this is not necessary to be known, to the expounding of the words of the Covenant.

Oxford Reasons *sect.* 6. *p.* 17, 18. These are, Sir, the *ambiguous terms*; which in the judgment of these learned men are of *a dark and doubtful construction*, whether *really and in themselves*, let rational men judge: others they do stick at, but profess *the use men have made thereof doth occasion it*; they well know false glosses, male interpretations, and a strained sence may by wicked men be put on the *plainest text*; yet it doth not lose *its genuine and proper signification*; especially in an Oath; wherein some men are willing to *wrest it with rigour*, beyond its scope: others, *to writh themselves out of its just obligation.* I shall be free to tell them, that no Rules of right Reason, will justifie *the rigorous sence* put on the third Article, *in the Case of the King*, by Mr. *Challoner*, *though in a Speech in Parliament*; nor the *Laxe sence*, put on the second Article, *in the Case of Prelacy*, by Dr. *John Gauden*, though unto the *Loosing of St. Peters bonds*: nor will the words of the Covenant warrant the one or the other. But such *ambiguities* are made according to mens wills, minds, fancies and lusts, not found in the words, which are clear and plain to every common capacity.

These supposed *ambiguities* are not more visible *to have been imagined*, without any real ground in the words of the Covenant, than the

the ſuggeſted *contradictions in it ſelf*; the learned men of *Oxford* do charge the Covenant *to be an Oath, in which one part is contradictory to another*; but with Reverence may I tell them, one part is confined to their breaſts, or to ſuch to whom they ſhew it; for it goeth not abroad with the Covenant; as will appear in the very naming of their ſuppoſed ſuggeſted contradictions, which are theſe. *Oxford* Reaſons. ſect. 6. p. 16.

1. *To preſerve, as it is, without change, and yet to reform and alter, and not to preſerve one and the ſame Reformed Religion.* 1. Contradiction charged on the Covenant.

In what Articles of the Covenant this contradiction lieth, they do not tell us, nor can I ſee it: *the Reformed Religion in* Scotland *is to be preſerved, and Reformation of Religion in* England *endeavored*: Are theſe oppoſites and contraries? were there not Doctrins, Worſhip, Diſcipline and Government in *England*, which were no part of the Reformed Religion? and cannot theſe be altered and aboliſhed, whilſt that is preſerved? where then is the contradiction?

2. *Abſolutely, and without exception to preſerve*, and yet *upon ſuppoſition to extirpate the ſelf-ſame thing* (viz.) *the preſent Religion of the Church of* Scotland. 2. Contradiction charged on the Covenant.

I want, Sir, their eyes to read this contradiction; the firſt part, *to preſerve*, is legible in the Covenant: but, *to extirpate the preſent Religion in the Church of* Scotland, I read not; Oh, but they tell us, it is *on a ſuppoſition*; but I ſuppoſe, that *ſuppoſition* muſt be expreſſed in plain terms in the Covenant, to make *a contradictory part thereof.*

The *Extirpation* covenanted relates to *Popery, Prelacy, Errour, Hereſie, Schiſme, &c.* which of thoſe can we ſuppoſe the *preſent Religion of Scotland* to be? they will bring good Compurgators for every of them; I know the Univerſity did ſuppoſe, * *there were ſome things in the Church of* Scotland, *which to their thinking did tend to ſchiſm and ſuperſtition*: yet they dare not charge it, do but ſuppoſe it; and that not to be, but *tend toward ſuperſtition and ſchiſm*: and they do not affirm them neither to be the Religion of *Scotland*: ſuch *ſuppoſed extirpation* may ſuppoſe *a contradiction*, juſtly deſerving to be charged to be a *ſuppoſitum non ſuppo-nendum.* *Reaſon. ſect. 3 p. 4.

Their next *Contradiction* is as clear a ſuppoſition as this: *to reform* 3. Contradiction charged on the Covenant.

form Church-Government in England *and* Ireland, *according to the Word of God, and yet to extirpate that we are perſwaded is according to the Word of God*: here it is viſible, the contradiction is between *the Covenant* and *their perſwaſion*; not *one part* againſt *another part of it ſelf*; how well-grounded their perſwaſion is, we have before enquired; I ſhall therefore only tell them, it is not fair play to beg the queſtion, and on their own perſwaſion, to arraign the Covenant, as an *Oath contradictory to it ſelf*, yet

4. Contradiction charged on the Covenant.

The next is of the very ſame nature, *to extirpate hereſie, ſchiſmes, and prophaneneſs, and yet to extirpate the Government, we conceive, the want of which is the chief cauſe of all evils, and the reſtoring and continuance of which, the proper and effectual remedy.* Sure, Sir, this conceit never ſprung from the Book of Sports, or Biſhop *Pierce* his *Somerſetſhire* Septuagint on Revels and Church-Ales, which are more clearly contradictory than the Covenant.

5. Contradiction charged on the Covenant.

The laſt is of the ſame nature: and a ſuppoſition in their own breaſt, *to preſerve the Liberties of the People:* and yet *ſubmit to the impoſition of this Covenant not eſtabliſhed by Law*; yet impoſed by juſt and ſufficient Authority: but in what words of the Covenant lieth this contradiction? I hope it is no loſs of the *Libertie of the Kingdom*, to ſwear, *that we will preſerve the Liberties thereof*; Who ever requires us ſo to do? for the ſwearing of an abſolute duty, is but a poor acknowledgment of Authority.

We muſt, Sir, ſee more dark and doubtful expreſſions, and plain and clear contradictory terms in the Solemn League and Covenant, before we can judge it *really ambiguous* or *contradictory*; or conceive mens clamours to ſpring from any thing more, than their own paſſionate fancies, and prejudicate opinions, whoſe luſts lead them to wiſh it were ſuch, as they cannot charge it to be.

Sect.

Sectio ſexta.

Propoſition 6. *The Solemn League and Covenant, for its qualitie, and in Reſpect of its obligation, is Publique and Nationall, as well as Private and Perſonall.*

SIR, Dr. *Gauden* in his attempt *to looſen St. Peters bonds*, (as he judgeth the Covenant to be) was willing to render the Covenant to be in reference to the matter thereof; *a Religious Bond declaring a ſence of dutie to God, the King, the Church, their Country, and the Reformed Religion*, to make men more *ſtrictly ſenſible of the ſacred, and civil obligations reſpectively due unto them, that ſo they might be more ready to diſcharge them in their places and callings*; and hereby he doth eſtabliſh the obligation thereof; which, he not finding any way to avoid, doth endeovour to limit, and contract into a narrow Room and Compaſſe; ſuppoſing the ſubjects thereof to be *few, very few*, and thoſe *private men in their private capacitie*, and ſo denominates it a *Religious Bond which private men, and ſome party only of the Nations ſpontaneouſly took upon themſelves*, in ſence whereof he accommodates his *ſolution of the Covenant* unto private capacities endeavouring to abſolve them by a power which, he ſaith, is in themſelves: or to quiet them with a ſuggeſtion of impoſſibility to accompliſh their particular promiſes againſt the purpoſe, and current of the Nation: how judiciouſly he hath managed the ſame, I have already ſhewed in my St. *Peters bonds Abide*, wherein, I did among other things, ſuggeſt my apprehenſion of the Covenant, in reſpect of the extent of its obligation, to be *Publique and Nationall*; I expected ſomething to have been ſaid by the Dr. againſt that ſuggeſtion; and the grounds from which it did ariſe, but find none; only in *the Doubts and Scruples* handed into the world by his Epiſtle, and offered to your, and my conſideration; he doth adhere to his own notion of the *nature and private perſonall obligation of the Covenant*, not urging one Reaſon for it, or anſwering any thing urged againſt it; how ingenuouſly this is done by a Caſuiſt, (that preſumed to releaſe from the obligation of ſacred bonds) let the world judge: I am

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therefore constrained to speak out, and more plainly to assert what I was desirous only to hint, and generally suggest; hoping thereby to have produced some serious discourse, which might have acquitted our Nation, or have affected them with the Oath of God which abides upon them.

When Sir, I say, the Solemn League and Covenant is *Publick and National*, I intend by it that which Civilians and Casuists do ordinarily call *Real*, and as they oppose it unto *private or personal*, because *it resteth not in any individual persons, or particular private number thereof*; who may *soon perish*, and so the obligation passe away with them, or be *over-powred*, and so put into an impossibility of doing what they had sworn: (as was *Saul* in the case of *Jonathans Rescue*; and the men that confederated against *Paul*) the breach whereof subjects onely those individual persons unto the guilt or punishment of perjury, in non-effecting, or endeavouring the thing covenanted: but abideth fixed *in things and capacities, which continue and abide under all mutation of persons*, and so *passe upon all persons whatsoever*, in al after ages, *ad infinitum* (if the Covenant be not limited) who shall succeed into those things, places, or capacities; and so *binde all persons* therein concerned, whether invested, or represented by, and so involved in the same, unto the sincere, faithful, diligent, and constant *performance and pursuit of what is therein promised*: and in denial, or defect thereof, *subjects them unto the guilt and punishment of perjury*, so that the generations who never personally sware the Covenant, succeeding into the capacities of their Progenitors, are bound unto the performance of the Oath, and shall be punished many hundreds of years after it was made, and (it may be) some years after it was violated, in case of the breach of it: for so long as the *publick capacity* continueth, the persons which succeed into it, succeed also into the obligation which lieth upon it, and the variation of persons voideth not the Oath: such is the Oath of any body of people, whether a City or Nation, wherein the *publick faith of that body Politick is engaged*, and must be maintained.

ubi semel decretum erit omnibus, id etiam quibus ante displicuerit pro bono atque utili fœdere defendendam. *Liv. lib.* 32.

First, *Whether it be done by the universality of the people themselves*, *in which all singulars are supposed to confederate: though some few may not complie, yet those few are included in, and bound by the universalitie according to that Rule; *Ubi universi, ibi & singuli*,

guli, nam ſinguli congregati vel in ſumma reputati facitunt univerſos: The univerſality is made up of the ſingular perſons: ſo in a Corporation or County, the *Univerſality* chuſe Members of Parliament, or Magiſtrates confederate, though ſome *ſingular perſons* be not preſent nor vote in the Negative, and ſo perſonally conſent, yet are politically obliged.

: acta Civium publicis conſiliis habita eos obligabunt qui aliter ſenſerunt. *Grot. bel. & pa. p. 516.*

2. *Or whether it be done* by the *collective body of the People who repreſent them*, in their names, and at their appointment, not tranſacting all affairs as did the Senate of *Rome*, in reference to which *Saluſt* noteth, *Senatus uti poterat decrevit, ſuo atque populi injuſſo nullum potuiſſe fœdus fieri*; the Senate decreed, for if they or the people had gain-ſaid it, there could be no Covenant; and in this Collective body though there may be many diſſenters; yet by the Oath and Act of the majority themſelves, and they whom in that capacity they repreſent, are bound; according to that rule, *Cœtus quilibet non minus quam perſona ſingularis jus habet ſe obligande, per ſe aut per majorem ſui partem.* Thus was *Iſrael* bound by the Oath of the Princes paſſed unto the *Gibeonites*, ſo that although the people knowing it, muttered and murmured againſt the Oath, no one durſt offer violence unto a Gibeonite; and when *Saul* in a well meant zeal did preſume to do it, the Faith of *Iſrael* was violated and avenged by a Famine in the time of *David* an innocent perſon, until expiated by the hanging *Sauls* ſons three hundred years after the Oath was made, and when many generations who conſented not unto it, had returned.

3. *Or, Whether it be done by any ſingle perſon, as the King*, but in the name and on the account of the *Kingdom*; ſo that as King of ſuch a Kingdom, he makes the Oath or Covenant, and ſo obligeth the faith of the Kingdom, and ſo the people are included in it; and the Covenant doth not become *perſonal*, according to that Rule, *At ſi cum rege contractum ſit non ſtatim perſonale erit cenſendum fœdus; plerumque perſona pactum inſeritur non ut perſonale pactum fiat, ſed ut demonſtretur cum quo pactum factum eſt.* If the Covenant be made with the King, it is not therefore perſonal, for a perſon may be inſerted to ſhew with whom the Covenant is made; as a Covenant is paſſed by the King of *England*, to declare *England* is bound, as it was in the caſe of the *Roman* Empire; *Imperator fœdus percuſſit, videtur populus percuſſiſſe Romanus & fœdere continetur.* The Emperour ſware, the people were

included in the Covenant, and ſuch alſo was the Oath paſſed by *Zedekiah* the King of *Iſrael*, unto the King of *Babylon*, which bound *Iſrael* to performance, and brought them under the guilt and puniſhment of the breach thereof.

Sir, An Oath or Covenant is beſt diſcovered by the enquiry and caution made, & given by *Juſtin* in the caſe of the tributary Cities which had obtained terms of the *Medes* before the Empire was to them transferred, *Sp. Etandum an in conventione fidem Medorum elegiſſent.* Whether they had engaged the *faith of the Medes*; and if the Covenant were ſo ſworn in a *publick and National capacity*, that *the faith of the Nation were engaged*; all perſons and all ages, ſo long as it continueth a Nation, are obliged by it, and muſt carefully perform it; or expect to plunge themſelvs under the guilt and puniſhment of perjury: the Oath Regal being founded in *ſua natura*, a *ſubjectum permanens*, a ſubject which ceaſeth not, however it ſucceedeth unto, and is adminiſtred by different perſons, ſo that in this caſe, as in the caſe of the holy wars, it was generally granted: *every League with Chriſtians, did bind Chriſtians who did not perſonally confederate*, becauſe the faith of the Chriſtians was engaged; ſo every Covenant of *England*, engaging the faith of *England*, doth bind all preſent, and future people in *England*, whilſt *England* abides a Nation, and cannot be avoided, though obtained *by fraud*, as that of the *Gibeonites*; or by *force*, as that of *Zedekiah*, which we have before noted; nor will it avail any thing, as to their excuſe, or apology, for not *preſerving and purſuing* the things promiſed in the Covenant; to plead *I took it not*, or my Father indeed took it, but the *Generation is dead and gone who ſware it*, unleſs they can divide themſelves from the *Nation*, and bury the *Nation* in the Tombs of their Progenitors; nay, though there ſhould be a mutation of the form of the Government, and Adminiſtration thereof; yet if it abide a *Nation*, its National Oath will bind according to the Reaſon *Grotius* layeth us down, *Etiamſi ſtatus Civitatis in Regnum mutetur; manebit fœdus, quia manet idem Corpus, etſi mutato capite*; the ſame body politique doth yet continue: unto ſuch as ſuppoſe *the death of perſons to make void the Covenant*, I would tell them what *Livie* ſaid in the caſe of the *Romans*, they ſware when *P. Valerius* was Conſul, *they would aſſemble at the command of the Conſul* he being dead, *L. Quintius* was made *Conſul, and call'd the Aſſembly*, they begin to cavil and queſti-

De jure bel. ex par. lib. 2. cap. 16. pa. 256

queſtion whether they are bound by their Oath, *he being dead to* whom they made it. *Et nondum hæc quæ nunc tenet ſeculum, negligentia Deum venerat; nec interpretandi ſibi quiſque jus jurandum; & leges aptas faciebant, ſed ſuos potius mores ad ea accommodabant*; This negligence of God hath not long poſſeſſed this Chriſtian world, that men ſhould make unto themſelves the interpretation, or rules of obligation of an Oath; unto which they ſhould rather ſquare their converſation, whileſt if it be *a real, publick, and National Oath*, the *perſons* ſwearing, and ſworn unto, may paſſe away; and yet (as in the caſe of the *Gibeonites*) the obligation paſſe to all poſterity.

Sir, I am ſufficiently convinced that if private men, and individual perſons who have ſworn the Covenant, will make conſcience *of the Oath of God upon them*; there can be no probability of a return, and re-ſtabliſhment within the compaſſe of this age, of the evils we have ſworn to extirpate, they being locked under a moral impoſſibility of re-admiſſion or continuance, by that publick Parliamentary capacity into which many, who have ſworn the Covenant, are at this time reſolved; and in which they cannot but know themſelves bound to *endeavour in their places, and callings, with all ſincerity, reality, and conſtancy to extirpate the ſame*, and for that others, and thoſe not a few, as Miniſters of the Goſpel, are bound to the ſame in their capacity. I am ſure the *Miniſterial rebukes*, and *confutations of the one*, and publick *Parliamentary debates* of the other, will lay a very great remora unto their return: and his moſt Sacred Majeſty (to ſpeak it with due dread) being in his place bound from his Royal aſſent thereunto, I preſume will not only aw from propoſing to him any Laws that may reſtore any of them, but put an abſolute moral impoſſibility on the preſent paſſing of any Law to that purpoſe.

Yet, Sir, when I obſerve many carnal Politicians, careleſſe Preachers Court Divines, and temporiſing Covenanters, ſuggeſting *a nullity on the Covenant*, and ſpeaking out, *that it is void, and non-obliging*, by the reaſon of the *paucity*, (which they ſuppoſe not to be a *fourth part of the Nation*) who ſware it, or at leaſt, unto *ſuch as never took it*, which may not only be many perſons now living, but the whole Generation ſince ſpringing up; or that the *Power and Authority of the Nation* (whom they do not a little provoke thereunto)

unto) *may by their publick Edict make it void*; I see it to be a plain case of conscience, and necessary to be resolved, *whether the Solemn League and Covenant be private, and personal only, binding individuals, or real, publique and National, binding the power, and body politick of the Nation.*

And, Sir, on second thoughts, and a serious surveigh of the Solemn League and Covenant, I cannot but observe, and see clearly, that first *the matter therein Covenanted, is publike and national*, relating to the Kingdom under its *Civil, Religious, and reformed consideration, or capacity*, being the *reformation and defence of Religion* under a national profession, and the *honour and happinesse of the King, privileges of Parliament*, and *liberties of the Subjects*, and the like concernments, no way proper for personal, and individual, private Oaths.

2. These matters, and this form of security to them, were *consulted, agitated, debated, determined, concluded, and agreed unto, by two distinct Nations*; agreeing in the general capacities which did relate unto the matter thereof: and that in their *most publike capacities*, and by the indisputable, most full, and formal collective bodies of both Kingdoms, the Parliament, though defective, in that part which was most necessary to establish a Law, then indent a Covenant, which did most eminently consist in the consent of the people, and body of the Nations.

3. The termes shewing *the capacity in which it was sworn, are general and National*, as in the very words of the Preface, We *Noblemen, Barons, Knights, Gentlemen, Citizens, Burgesses, Ministers of the Gospel, and Commons of all sorts of the Kingdome of England, &c. by the providence of God living under one King, and being of one reformed Religion*, so that all ranks and orders of men, however dignified, or distinguished among themselves, yet united in this publike capacity, *the subjects of one King and of one reformed Religion*, and in that union universally sware the Covenant.

4. The *end and scope of this Covenant was Real, National, and Publike*, and only *Personal*, in relation thereunto: as is evident by the professed grounds thereof, as *having before our eyes the true publique liberty, peace and safety of the Kingdoms (wherein every ones private condition is included)* a sence of the deplorable, distressed, &

dange-

dangerous eſtate in which the *Kingdoms then were*; and by the ends propounded almoſt in every Article thereof which relate to the *Kingdoms, and our Poſterity*, and cannot be ſecured, if the Oath be not National, as in Article the Firſt, that we, *and our Poſterity after us, may as Brethren, live in faith and love*, in Article the Second, *that the Lord may be one, and his Name one in the three Kingdoms*, In Article the Third, that the *two Kingdoms of England and Scotland, may remain conjoyned in a firm peace, and union to all Poſterity*. And by the Sixth Article, it is declared to contain in it a *cauſe which much concerned the good of the Kingdoms*; and in the concluſion thereof, is a profeſſion of ſence, and ſorrow *for the ſin of theſe Kingdoms*, diſtinct from *our own ſins*, the which do loudly proclaime the ſcope, and intent thereof to have been Nationall and publique.

5. This Covenant was ſworn by the Nation, or Kingdom,

1. *Collectively*, by the body of the Nations, regularly aſſembled and conſtituted, in the moſt full, and compleat Aſſembly, that could, and ever did repreſent the ſame, in all acts and agitations truly *Real and National, viz.* The *Parliament* conſiſting of Lords and Commons, & that in their publique capacity *as a Parliament*, the Houſe of Commons Aſſembled *in their Houſe*, & in the formality of the body of the Nation, *with their ſpeaker before them*, went unto St. *Margarets* Church in *Weſtminſter*, and there with the greateſt ſolemnity imaginable, did as the repreſentative body of the Kingdom, ſwear this Covenant; which as a further teſtimony that it was a *National Covenant*, they cauſed to be printed with their names ſubſcribed, and to be hanged up in all Churches, and in their own Houſe, *as a compaſs whereby* (in conformity to right Reaſon and Religion) *to ſteer their then debates*, and *to dictate* to all that ſhould ſucceed into that place, and capacity, *what obligation did before God lie upon the body of this Nation.* Ordinance of *Feb.* 5. 1643.

2. It was *univerſally ſworn* by the people of this Kingdom, ſolemnly Aſſembled in their particular places of convention, all over the Kingdom, all manner of perſons from eighteen years old and upward, and that, not at their own will and giddy humour, but *at the Command and by the Authority of Parliament*, who in their place, and in the behalf of this Nation, having judged *it a fit and excellent means to acquire the favour of God towards the three King-* Vid. ordinance enjoyning the taking of the Covenant.

Kingdoms, did order it to be universally sworne: and certainly whosoever will but well weigh the directions given, and duly executed in the tendring of the Covenant, in all Counties, and Parishes, by every individual Minister to every individual Congregation, and taken by all persons, religious, military, or civil, enforced with arguments which might convince conscience in the ingenuous, or constraine the act from the peevish or perverse; and accompained with the greatest extention concomitant imaginable; he cannot but see a much more then the fourth part of the Nation did swear the Covenant. If the several Rolls, within the several Parishes, and Precincts of this Kingdom, in which the several Names of such as did swear the Solemn League and Covenant were engrossed, may be produced; It will be found notwithstanding the many singulars, who may now renounce and say they did not take the Covenant, it was sworn *by the universality of the Nation*. And I hope we who have ever been judged a free people, tied by no bonds but such as we lay upon our selves, may be allowed to bind our selves by an Oath; and so make it Real and National, according to that Rule, and Reason of *Grotius*: *Si quidem populo liberto actum sit, dubium non est quin quod promittitur sui natura reale sit.*

De jure bel. ex par. 256.

3. The solemn League and Covenant hath been ratified, and *rendred National*, by his most sacred Majesty, unto all such who apprehend the constitution of this Nation to be *merum imperium*, an absolute Monarchy, wherin the King hath *supremam protestatem*, & whose professed loyalty leads them to subject themselves to all manner his Majesties concessions, and conclusions, and that by a series of multiplied acts, as *his Majesties agreement with the Scots at* Breda, where he graciously condescended to his Subjects, by *Solemn Oath to publish & testifie his approbation of the solemn League & Covenant*; and at his first arrival into *Scotland*, was pleased to subject unto the same bond in which his Subjects were engaged, and *to swear the same solemn League and Covenant*: And again at his royal Coronation at *Scoon* in *Scotland*, on the first of *January* 1651. was Graciously pleased over and above the ordinary, and solemn Oath, peculiarly belonging to him as King of *Scotland*, in his most publique capacity, to swear the solemn League and Covenant, and this Oath, in behalf of himself and his successors.

The History of *Charles* the second 75, 76, 77.

I Charles *King of great Brittain* France and Ireland, *do assure*

and

and declare by my ſolemn Oath in the preſence of the Almighty God, my allowance and approbation of the National Covenant, and of the ſolemn League and Covenant above-written, and faithfully oblige my ſelf to proſecute the ends thereof in my ſtation and calling, and that I for my ſelf and ſucceſſors, ſhall conſent and agree to all Acts and Ordinances enjoyning the National Covenant, the ſolemn League and Covenant, and fully eſtabliſh Presbyterial Government, the Directory for Worſhip, Confeſſion of Faith, and Catechiſm, in the Kingdom of Scotland; *as they are approved by the General Aſſemblies of this* Kirk *and Kingdom; and that I ſhall give my Royal aſſent to Acts and Ordinances of this* Parliament, *paſſed or to be paſſed, enjoyning the ſame in my other dominions, and that I ſhall obſerve theſe in mine own practice and family, and never make oppoſition to any of thoſe, or endeavour any change thereof.*

In this Oath, it is worth obſervation that the *Royal aſſent* is given *unto the ſolemn League and Covenant and Directory for worſhip, Confeſſion of Faith and Catechiſm, and Presbyterial Government, as* things done in purſuit thereof. 2. That the *Royal aſſent* is declared unto, and aſſured to be given in formality unto *Acts and Ordinances of this Parliament* (ſuppoſed to be then in being) *in his other dominions* paſſed by them, for the Covenant and other things of Religion ſpecified. 3. That this he was pleaſed to do as *King of Great Britain, France, and Ireland*, his moſt Royal and publick capacity, and *that* for *himſelf and his ſucceſſors*: upon theſe conſiderations I could be glad to receive the judgment of the learned in the Law, whether the *Royal aſſent any way, or by any expreſſions or Act publickly made known, be not ſufficient to make an Act of* Parliament *a perfect and compleat Law*; the equity of the ſtatute of 33. *Henrie* the third 21. Rendring *the Kings aſſent under his ſeal expreſſed*, to be as valid and effectual to all intents in Law, as if he had been perſonally preſent; doth ſuggeſt a ground for this enquiry: for I conceive an *aſſent by ſolemn Oath*, to be a more Real Royal political preſence than the *tranſubſtantiation*, or *his Real Preſence under his Seal*: but that I may keep within my ſphear, I preſume none will deny this to be *Jure civili and divino*, before God and men an eſtabliſhment of the Solemn League and Covenant, to oblige the Subject: and the rather, if it be obſerved that

Declaration from *Dunfirling* Aug. 16. 1650.

it was done deliberately, and so professed and enforced by a most pious Declaration of His Royal pleasure, *conjuring the enmity against the Covenant conceived in any His Subjects in any His Dominions to cease:* His Majesty being resolved to *have no friends but the friends of the Covenant: Grotius* layeth us down two cases, wherein the Act of the King doth bind His Subjects; they both square with this our case in reference to the Covenant, the one *Contractus Regentium obligat subditos si probabilem habeant rationem*, if the Covenant carry a probable reason, let such as plead *His Majesty had no probable way to come to His right, and be enjoyed by His Subjects, but by yielding to the Covenant*, (which God indeed hath used as the *principal means to that effect* now graciously accomplished) tell us, whether it was a most probable reason of good to the Nation. The other case was this, *si adsit, & populus ipse vult obligari quo casu, sui juris esse inceperit, & successores, ut populi capita, obligabuntur: nam quid populus liber contraxisset, obligaretur is qui postea regnum plenissimo jure acciperet*, where the people are willing to be bound; of which in our case let the agitations of both *Parliaments* in both Kingdoms witness.

Grotius de jur. bel. & pa. lib. 2. cap. 14. 235.

It will, Sir, nothing relieve this Act of His Majesty, to plead, '*It* '*was below His Royal Prerogative to Covenant with His own Sub-*'*jects*; had it been with an enemy, we admit and confess we were 'bound by His Act, but by His *Royal Power He may absolve Himself from so vile an Obligation made to His Subjects*,: In this case I must indeed confess, His *Royal Prerogative may priviledge His Majesty from a coaction unto performance* of what He hath sworn; the state of Subjects leaving them void of power to compel: but *jure civili*, and *divino*, He is bound to performance, and the Subject may by humble supplication pray and demand performance of the Covenant, for the condescension voluntary hath left an obligation on the conscience before God and the world: So *Grotius* tells us, *Dicimus ex promisso & contractu Regis quam cum subditis iniit, nasci veram ac propriam obligationem, quæ jus det ipsis subditis*; the Oath of a King covenanting with his Subjects, hath God for its witness, and he is more eminently engaged to avenge it, because there is no humane power that may do it.

Grotius de jur. belli & pa. l. c. 14. p. 233.

'Nor is it of any more force to plead that His Majesty was

'*in*

'*in an exiled eſtate*, and not in the poſſeſſion of the Kingdom, and 'therefore could not as King make any Covenant for or againſt his people: Unto this Plea the Anſwer is obvious, and it is and muſt be acknowledged *no caſe or place can deſtroy his Royal capacity*, for it abideth, and the alteration of his ſeat of reſidence will not render his Family an *individuum vagum*, as *Lucan* noteth of the Roman Senate; *Non unquam perdidit ordo mutato ſua jura loco*; and *Grotius* hath ruled this caſe, and concludes the ſame, *Cum rege initum fœdus manet etiamſi Rex idem aut ſucceſſor a ſubditis ſit pulſus; jus enim Regni penes ipſum manet, utcunq; poſſeſſionem amiſerit.* I hope there is *jure civili*, the ſame right and power to give, as to receive, and then let the King be where he will, his Covenant binds for or againſt his Subjects, and to the ſworne form of Worſhip and Diſcipline in His Family. Lib. 2. cap. 16. p. 257.

Nor is it of any more ſtrength or advantage, to ſay, '*His Majeſty was under force, and thorough the ſtraits of* 'His condition, *did condeſcend to ſuch unworthy terms, which* 'He cannot with honour make good: The which ſo much as once to ſuggeſt to the World, is an high diſſervice, and reproach unto His Majeſty, leſſening His Royal Reputation, and the apprehenſion of Piety, amongſt His Religious Subjects. If Doctor *Sanderſon's* notion be right Divinity, as certainly it is, *Pius eſſe nequit qui non eſt fortis*, He cannot be godly who is cowardly; and his eſteem amongſt men by the rule of the Heathen Poet.

Juſtum ac tenacem propoſiti virum
Non civium ardor prava jubentium,
Non vultus inſtantis tyranni
Mente quatit ſolida. *Horace* lib. 3. ode. 3.

Serious men will ſtoutly withſtand the importunities of impudence, and the exactions of furious Tyrants: And I ſay, it cannot avail unto the leaſt voiding of the Covenant, the matter whereof is found *juſt*, *lawful*, *and poſſible*, for all Caſuiſts have concluded *Juramentum metu extortum*,

doth bind; And the Heathen have amplified the force of an Oath; by *Regulus* his return to his Enemies to be ſlain *when he had been forced to make it*; on which *Cicero* aſſerteth, *Temporibus illis jusjurandum valebat*; then Oaths were binding: And Doctor *Sanderſon* hath concluded, that an Oath made not only on light fear, but a juſt and grievous fear, *Qualis eſt metus captivitatis, amiſſionis omnium bonorum, inimiæ, cruciatus, & quod eſt πᾶν φοβερῶν φοβερώτατον ipſius mortis*, of impriſonment, loſs of goods, yea moſt dreadful loſs of life (which all men muſt confeſs to be a moſt ſtrait condition) yet it binds unto performance, for which he Renders many Reaſons, among which theſe two are of weight in our caſe: * *he choſe what then ſeemed beſt*, and ſo it was an Act of will, and * *he received the end propoſed as the condition of his entring into that Covenant:* Moreover, as I have before noted, *Zedekiah* was beſieged into the Oath made with the King of *Babylon*, with the greateſt force and fury imaginable, yet the Prophet was not afraid to cry to the King, *Shall he break the Covenant, and be delivered?* and both King and people periſhed by that breach of Covenant.

Sanderſon de juram. præl. 5. Sect. 15. p. 126.

* *Videtur non poſſe honeſte recuſari quod fuit prudenter electum.*

* *Quod ob certum finem promiſſum eſt a promittente debet præſtari poſtquam conſecutas eſt ſuum finem.*

Sir, I cannot without ſad thoughts reflect on their ſin and horrid wickedneſs, by whom his moſt Sacred Majeſty was reduced into thoſe ſtraits of condition, nor ſhall I acquit them *of indiſcretion and overmuch boldneſs*, who being ſubjects, could dare to take the advantage of a ſtrait condition to put ſuch terms on Majeſty; yet I dare not but adore the providence of God, (who bringeth good out of evil; and maketh the rage of men to work unto his praiſe, and many times, by wayes to us prepoſterous, effecteth his own holy purpoſe) that did bring his moſt Sacred Majeſty by theſe ſtraits into this Sacred Bond, which, it is more than probable, in an eſtate of liberty he had never ſubjected to; and being now ſworn, they cannot, they muſt not be ſlighted or violated: but I hope his Majeſty ſhall never want a good Angel to be his Monitor to pay the vows he made to God in the day of his diſtreſs.

Now

Now, Sir, I ſay, when I have conſidered the Covenant under theſe publick conſiderations, and find ſuch palpable engagements made by the people of *England*, as *a Kingdom, and Political Body, profeſſing the Reformed Religion*; I cannot but adhere to my former conjecture, that it *looks ſomething like a National Obligation*; nay, the confluence of *publick aſſent and authority*, by the people collectively and diſtributively conſidered; and *the acceſs of Royal aſſent and concurrence* (the defect of which rendered it at firſt leſs acceptable to many) leads my conjecture unto a full concluſion, *that it is a publick National Covenant*, binding all the perſons of this Nation (that ſwear, or ſwear not perſonally) and our poſterity after us, in their particular places; and all that ſhall ſucceed into the publick places, and politick capacities of this Kingdom, *to preſerve and purſue* the things therein promiſed, ſo long as it remains a Kingdom, *under one King, and in the profeſſion of one Reformed Religion*; which I pray and hope will be, till Jeſus Chriſt ſhall come to judgment. Give me leave, Sir, to enforce this, with what I obſerved to be aſſerted by the Lord Chief Baron in his learned Speech unto the late condemned Traytors at the *Old Baily*, *You were bound to bear Allegiance to your King*; *yea, though you may not have taken the Oath of Allegiance your ſelves, yet you were bound by the Recognition of King* James *and His Poſterity, made at His firſt coming to the Crown of this Realm, by the whole Parliament, being the whole collective body of the Kingdom*: Certainly they then and their poſterities muſt needs be bound, who themſelves have *univerſally* by the appointment and authority of ſuch who were entruſted for them, engaged the Faith of the Nation; though it had been ſufficient, if the Parliament in that publick capacity had only done it; for I ſay ſtill, I ſee not how they can give away our Eſtates; or take pardons in the name, and to the ſecurity of the Nation; if they may not in our name make Oaths, Promiſes, and Covenants to bind us and our ſucceeding Governors and Poſterities; in ſenſe whereof, I cannot but deſire all that wiſh well to *England*, to *conſider the Covenant, the Solemn League and Covenant*; for, Sir, as it was no little ſupport and ſatisfaction to my ſpirit, under the late contempt and horrid violations of the Covenant, to obſerve they were the prepoſterous Acts of Self-created Powers, and Uſurpers on the Peoples conſent, as well as His Majeſties Crown;

Crown; and therefore could not involve the Nation in the guilt of their perjury, which our eyes have ſeen to fall upon their own heads; ſo it is now the greateſt perplexity in my jealouſie, that the Covenant is like to be ſlighted, if not contradicted; that *the Nation is in danger to be plunged under the guilt, and made liable to the puniſhment thereof*, by that Juſt God, who will certainly avenge the quarrel of the Covenant; which God forbid! God forbid! I ſay again, God forbid!

To conclude, Sir, this Section, leſt you or any others ſhould think, this quality of the Solemn League and Covenant, as *Publick and National*, to be my own notion, and private particular fancy, give me leave to tell you and them, I can produce more than 600. Miniſters (moſt of whom are yet living) in the Kingdom of *England*, who under their hands have teſtified their apprehenſions thereof, under the ſame notion. Such as will pleaſe to take a ſtrict view of this Cloud of Witneſſes, may at their leaſure ſurvey the *Publick Teſtimonies to the Truths of Jeſus Chriſt, and to the Solemn League and Covenant*; and they ſhall find the ſame atteſted by the names of 52 Miniſters of *London*; 41 in the County Palatine of *Lancaſter*; 59 in the County Palatine of *Cheſter*; 41 Miniſters in the Weſt Riding of the County of *York*; who in their Title-page, and throughout their Teſtimony, do denominate it the *National Covenant*; 39 in the County of *Norfolk*; 82 in the County of *Wilts*; 36 in the County of *Stafford*; 69 in the County of *Somerſet*; (which I preſume may make a better Septuagint than Biſhop *Pierces* Certificants of this County, for Revels, Clerks-ales, and Church-ales on the Lords-day, though they want three of the number) 68 in the County of *Northampton*; 71 in the County of *Eſſex*: 43 in the County of *Warwick*; 62 in the County of *Glouceſter*; 57 in the County of *Salop*; and 73 in the County of *Devon*; who give their teſtimony, and call it the *Solemn League and Covenant of the three Kingdoms*; and in the ſenſe of the National Obligation, they give this teſtimony, and thus plead, *We find the Covenant is antiquated and baniſhed, as intended to be of force, during the time of our inteſtine Warres*; *we confeſs we are amazed at this quirk*; *we pray the Wars may ceaſe for ever* (*which yet there is fear may too ſoon be recalled by God, for this treacherous dealing in his Covenant*) *but we believe no honeſt underſtanding heart can be perſwaded the Covenant was intended as a*

Pag. 17.

Truce

Truce made with God for three or four years; but we shall labour to stop this Gap with some few strong stakes, cut out of the Covenant; and so passing through the several Articles of the Covenant, they advise, those terms may be viewed *constantly, all the dayes of our life, our posterity, the Lord may dwell in the midst of us, and good of the Kingdoms*; whereupon they conclude, these are *not for a few years*, but for ever, and affectionately cry out to the Nation, *Oh England, turn not Harlot, break not Covenant with thy God; and the Lord keep England from this Covenant-breaking, and his vengeance from his people*: Unto this, give me leave to add this passage out of *the Testimony of the York-shire Ministers*; *It cannot be unknown to the Churches abroad, that all the three Kingdoms stand engaged by vertue of a Solemn League and Covenant, sworn with hands lifted up to the most High God, sincerely, really and constantly, by the grace of God, to endeavour, in our several places, the Reformation of Religion in the Kingdoms of England and Ireland, in Doctrine, Worship, Discipline and Government, according to the Word of God, and example of the best Reformed Churches.* I shall, Sir, add but one more, and it is that in which we have all the rest (theirs being little else but a concurrence with this) and that is the Testimony of the Ministers of our own City of *London*, and they profess thus, *In order to the Reformation and Defence of Religion within these three Kingdoms, we shall never forget how solemnly and chearfully the Sacred League and Covenant was sworn, with hands lifted up to the most High God; wherein the three Kingdoms stand engaged joyntly and severally, &c. Yet we cannot but observe, to the great grief of our heart, that this Solemn Covenant of God hath been, and is daily neglected, slighted, vilified, reproached and opposed, even by too many who have entred into it; and endeavours have been used wholly to evade it, and render it useless; and that it hath been manifestly violated, to the dishonour of God, to the prejudice of a real Reformation, the sadning of the hearts of Gods people, and pulling down his dreadful judgments upon us, and upon the whole Kingdom.* Sir, I will say no more; but I pray God *London* Ministers may retain, or recover their *first love*; and *Englands* Watchmen may remember the loud Alarums they have sometimes sounded, and the grounds thereof.

Pag. 28, 29.

Pag. 8.

Pag. 26.

Pag. 28.

Sectio

Sectio ſemptima.

Prop. 7. *The Obligation of the Solemn League and Covenant is permanent and abiding, never by any humane act or power to be abſolved or diſcharged.*

SIR, By the *permanency of the Obligation of the Covenant*, we mean, the continuance of its Bond on the mind and conſciences of men; ſo that the Subjects thereof are, and for ever will be bound to purſue and perform the things and matters therein promiſed; nor is it in the power of any man, or humane authority, to releaſe, acquit, or diſcharge them from the ſame; but that when, and howſoever the Solemn League and Covenant is ſlighted, laid aſide, or violated, by any the Subjects thereof, they ſhall be liable unto the guilt and puniſhment of perjury in the breach thereof.

This permanency of obligation, and impoſſibility of diſcharge, doth ſpring from a double cauſe.

1. *The nature of an Oath*, which is a ſolemn and ſerious Appeal to, and invocation of God, as *Witneſs and Avenger* of the thing ſworn, and ſincerity of the Subject ſwearing; ſo as in caſe of diſſimulation, falſhood, or non-performance of the thing covenanted, we ſhall be liable unto the guilt and puniſhment of perjury, to be inflicted by the God who judgeth righteouſly.

And 2ly. *From the Manner and Form of the Covenant*, which is *abſolute, and without a condition*, which might at any time fail, and ſo cauſe a Ceſſation of the Bond of the Covenant thereupon dependent; and is *expreſſely excluſive to all manner of diſcharge* or releaſe, by any humane Act or Power whatſoever, by an expreſs proteſt, *That this Covenant we make in the preſence of Almighty God, the Searcher of all hearts, with a true intention to perform the ſame, as we ſhall anſwer at that great day, when the ſecrets of all hearts ſhall be diſcloſed*; and by a peculiar proviſion, *That we ſhall never ſuffer our ſelves directly or indirectly, by whatſoever combination, perſwaſion or terrour, to*

be

divided or withdrawn from this blessed union and conjunction, whether to make defection to the contrary part, or to give up our selves to a detestable neutrality in this cause, which so much concerneth the Glory of God, Good of the Kingdoms, and Honour of the King, but shall all the days of our lives zealously and constantly continue therein: So that the matter of this Covenant being, as I have before asserted, *good and lawful*, because *just and possible*; if there were in the World any power or persons (entrusted with that divine Prerogative) to discharge the Obligation of an Oath; we could not receive it, because it is actually and expresly disclaimed. We, Sir, live amongst Protestants who by their very profession do protest against all *Papal Dispensations*, and *Jesuitical Commutation*, thereupon dependent; and therefore I need not stand to make any defence in this cause against the same, which would be to suggest some Protestant Divines to be so Popishly affected, as to have recourse to *Rome*, for relief against *St. Peters Restraint*: I presume, Sir, *Englands* Bishops would not be reputed Popish; and other ways to discharge the Obligation of the Covenant, we have none, save *the release of Superiors*, which alwayes must be in such cases and manner, as are peculiar unto them, and proper to their cognizance.

I am not insensible, that some suppose to themselves, and suggest to others *a nullity, or non-obliging force of the Covenant*, by reason that *His late Majesty* (of glorious Memory) *did interdict the Act*; concerning which it is necessary to be enquired, Whether by the Light of Nature, Law of Nations, or Rule of Scripture, the Prince, *the Political Parent*, have such full compleat Parental Authority over His Kingdom collectively or distributively considered, as by His interdict to make void the Oath they put upon themselves? 2. Whether the Parliaments of *England*, both, or either House, can order, determine, direct, and by Parliamentary Authority, enforce a present execution of those Determinations and Orders directed to the Subject (as we know is, and ordinarily hath been practised) without the consent of the King? And whether the people are not subject to the same, as being *Parliamentary Authority*, before they formally pass into Laws or Acts, to be *established Rules*, when their being a Parliament ceaseth? And so whether an Act done, *Sedente Parliamento*, at their

Appointment, and by their preſent Order, being in its own nature permanent and abiding, never to be diſcharged (as is the Obligation of an Oath) be not valid, though it never paſs into *a Formal Act of Parliament*, and ſtanding Statute? 3. Whether an extraordinary and unuſual Proclamation of the King, againſt the Determinations of both Houſes of Parliament, be (according to the conſtitutions of this Kingdom) a full and formal ſuperſedeas to any act required to be done by the authority of the Parliament then ſitting? 4. Whether his late Majeſty in his Proclamation of the 9th. of *Octob.* 19. *Carol.* did by his Royal Authority declare void and null the Obligation which ſhould be laid on any of his people againſt his conſent? Or by his Parental care onely admoniſh his Subjects of its evil, and the danger he conceived in it, and ſo warn a forbearance of it? For Parental Admonition, and Authoritative Annulling Inhibition, are diſtinct Acts; and the laſt was in this caſe neceſſary, becauſe the Collective Body of the Kingdom had ſworn this Covenant on the 25th. of *September* before. 5. Whether the Kings after-aſſent, and admonition unto a right underſtanding, and Religious keeping of the Covenant, do not eſtabliſh it, and make its obligation unavoidable? And whether after the interdiction of the Act, his Majeſties Declaration, That *as things now ſtand good, men ſhall leaſt offend God and Me, by keeping their Covenant by honeſt and lawful ways, ſince I have the Charity to believe, the chief end of the Covenant in ſuch mens intention, was to preſerve Religion in purity, and the Kingdoms in peace*; Be not a ſubſequent allowance ſutable to the equity of that Law in *Numb.* 30. and ſufficient to make the Covenant valid, and an indiſpenſable vow? 6. Whether *an endeavour in our places and callings* be not ſo far *ſui juris* to the Subject, that it may be ſafely ſworn, without the conſent of the Soveraign, and ſhall bind the conſcience, notwithſtanding His declared diſſent thereunto? Laſtly, Whether the Approbation of His moſt Gracious Majeſty that now is, unto the Solemn League and Covenant, and the Aſſent unto the Ordinances of Parliament enjoyning the ſame, declared by Solemn Oath and Publick Declaration, be not a full, compleat, and formal Authority, ſupplying all ſuppoſed defect, and faſtning its obligation by a full Theological, if not formally Political Act of Parliament? And ſo hath varied the caſe, and all fancy *of the non-obligation of the*

Covenant,

Covenant, occaſioned by the unhappy diſpute concerning the Authority converſant about it? When, Sir, theſe enquiries are ſeriouſly, and on ſolid Reaſons reſolved in the Negative, we ſhall confeſs, there may be ſome doubt of a diſcharge of the Obligation of the Covenant; and untill then, it lieth on our conſciences, and muſt be carefully regarded and performed, leſt the judgments of God come upon us, and we fall under the guilt of perjury.

Now, Sir, the matter of the Covenant being *juſt and poſſible*; the Authority eſtabliſhing it *full and ſufficient*; and diſpenſation from the Obligation of an Oath concluded to be *a Popiſh Vanity*; what can hinder our concluſion, that the Obligation of the Solemn League and Covenant is permanent, never to be diſcharged? Yet Sir,

Dr *John Gauden*, notwithſtanding his ill ſucceſs in *looſing St. Peters Bonds*, hath made an Eſſay for his full releaſe, though not immediately by himſelf (who can ſay no more then what he ſaid at firſt, and therefore ſaith it over again in his Epiſtle to the *Doubts and Scruples* before noted) yet by his profound allowance, and judicious teſtimony to the diſcourſe of Mr. *John Ruſſel* of *Chinkford* in *Eſſex*; the which is made authentick and acceptable to the world as good Caſuiſtical Divinity, and a clear reſolution of this caſe of conſcience, by this ſtamp on the Title page, *Atteſted by John Gauden D. D.* So that, Sir, I ſhould be diſ-reſpective to my Antagoniſt, if I make not a little ſtay, to conſider what is ſaid by his learned Chaplain; though I muſt confeſs it is ſo ſimple and ſhatter'd a diſcourſe, it is not worth reading, much leſs the leaſt of Anſwer: but I remember my promiſe at the beginning, *That I would weigh what he could alledge to void the Covenant*, which is his aim and profeſſed end; and therefore his Title page affirmeth, *The Solemn League and Covenant diſcharged; or, St. Peters Bonds not onely looſed but annihilated.* An honourable deſign, an high undertaking, an hard enterpriſe, *to releaſe the conſcience from the bond of an Oath!* It is well if the attempt give us not cauſe to ſee *Fronti nulla fides*, and that the Title is ſtuffed *with proud ſwelling words of vanity*; yet he applieth himſelf to the work with ſome agility, as if accuſtomed to evade holy Bonds, and with eaſe to reſolve the moſt weighty caſes of conſciences, I will not ſay by a nimble pro-

faneneſs to break Religious Priſons; and therefore in *page* 2. of his Book, he ſtates the queſtion, and telleth us:

I ſhall grant by way of ſuppoſition (we will be content with ſuch a grant) *all that the moſt rigid Covenanters can deſire of me, excepting one point; I ſhall ſuppoſe the ſame to be impoſed by compleat and lawful Authority; to be no ways defective in circumſtances; to be clear and free from ambiguity; to be perfect in the form; to be ſound and lawful in the matter; to be pious in the end; fair in the manner of impoſing; that there was no fraud or violence uſed; but that all men took it with due deliberation and free conſent, by all which means it became a very ſtrong Bond and Obligation upon the conſciences of men.*

Sir, This is, I confeſs, *a very fair grant*; if notwithſtanding all this, he can diſcharge the Covenant, by my conſent he ſhall never more be brought into durance; but what is that one point he denieth to grant us?

It is this, *That the Solemn League and Covenant is ſuch a Bond on the conſciences of men, that it cannot be releaſed by any humane act or power.* And in oppoſition thereto he affirmeth, That *the ſame ſpecifical power, or an higher than that which impoſed this Vow upon us, may releaſe us from the ſame either tacitely or expreſly.*

This, Sir, is eaſily affirmed with confidence, but ſo ſimply and ſlenderly proved, that the Doctor hath ſhewed us little of judgment in his *atteſtation* to this work, as in his own *Analyſis*, and muſt needs make men obſerve his deſire of Releaſe is ſo fervent, as to allow and approve any thing that doth but pretend to diſcharge the Covenant.

The firſt on-ſet in order to the proof of what is affirmed, is by a kind of Preface with relation to the Ordinance, enjoyning the taking of the Covenant, which he ſuppoſeth *laid aſide, and not enlivened into an Act; and therefore he takes it to be dead in Law, and ſhall hold himſelf free from the Bond of the ſame:* But, Sir, it will abide a Diſpute (againſt a ſtouter Polititian than I judge Mr. *Ruſſel* to be) whether His Majeſties aſſent teſtified by publick Oath and Declaration, to the Ordinance for taking the

the Covenant, have not *enlivened it into an Act.*

2. The Ordinance may be *dead in Law*, and yet the Oath enjoyned by it *alive in conscience*; for the one hath done its work in laying that obligation which now abideth, worketh, will work, and cannot be hindred; and then nothing but ignorance of the nature of an Oath, can lead a man to argue the Ordinance which brought me under it is dead. *Ergo, I hold my self thenceforward free from the Bond of the same.* If St. *Peter* leap out at such Loop-holes, he will be locked under heavy judgements: Is the Prisoner released, because the Warrant is of no more force, than to bring him into Prison, and secure the Jaylour for keeping him therein?

Having past this Preface, he proceeds to his Argumentative part, and makes a great pudder about the *power of Superiours over their Subjects in private, particular and promissory Oaths*; and *with the instance of* Abraham *and his servant, in the case of taking a wife unto* Isaac; wherein, I shall grant unto him, that in all particular promissory Oaths, grounded on condition, it is in the power of confederates, whether Superiors or Equals, to relax the Obligation, *by not exacting the performance*; only I would tell him he is mistaken in his instance *of Abraham and his Servant*; for the Oath of the servant was not released by *any act of Authority in Abraham*; but if it had been released, it had been by *an impossibility of effecting the matter*; and therefore the servants quæry *on the peradventure the woman will not be willing to follow me into this Land*, was not a supplicate for an Authoritative Release; but a scrutiny into the Extent of the Oath; how far he was herein bound? which is plain by the quæry it self, *Must I needs bring thy son again into the Land from whence thou camest?* On which *Pareus* noteth, that this was in the servant, *Prudentia singularis, ne juret nisi de possibili*; and therefore I must tell him, that I do not believe *the father or husband*, who may establish the Vow *of the Wife or Child*, can afterward make it void again; and because he may be unwilling to learn of me, I would commend Dr. *Sanderson* to be his Tutor, he will teach him one Lesson which confuteth his whole Argument he would have managed, and the Notion on which he doth bottom it; *Superiorem si expresso consensu suo, sive Antecedente, sive subsequente, pro-*

Pareus in Gen. 24. 5.

De Juram. Prælect. ſeptima. ſect. ſexta. p. 223.

promiſſionem ſubditi ſemel confirmaverit, non poſſe eandem irritam facere, aut obligationem ejus tollere.

By this poſition, concerning particular, private, promiſſory Oaths, he pretends *to pave his way to the grand queſtion in hand, and as by by Rules in Military Diſcipline to make his approach at a reaſonable diſtance, and make good his firſt ground*, on which he ſtands ſo ſure, that he advanceth not one ſtep higher; but as if at work in * *Wakefield Pavement*, or hurried about by ſome *Fairy Dance*, he traceth to and fro at all uncertainty, but is ſtill found in the ſame place unto the end of his Book; one while he *can find no publick Covenants whereto to compare ours*, which is of no moment; let him make good his Poſition by Demonſtrative Reaſon, we will admit our Covenant to become the firſt publick Preſident. Another while he keeps a ſtir about *the nature of the Covenant*, which he will needs have to be in the Form of it, *a civil and human Creature*, ſubject to infirmity, to be taken away by men, and that it is *an Oath*, though the Heathen did ever make *Juramentum* and *Religio* to be ſynonimous in publick Contracts, becauſe an Oath was a moſt eminent Act of Religion; at length he ſtumbles out his notion and fancy in a Parable; and purſueth that, forgetting *Theologia Parabolica non eſt Argumentativa*, that Parables prove nothing; but proving it to be *verſatilis materia, ut huc illuc trahi imo & duci poſſint*, pliable to any wild and quick fancy, he endeavours to bend it to his purpoſe; but ſo very dully, that he cannot but loſe his end. He tells us that an Oath is *a bringing a Trial into Gods Court, wherein the Impoſers are the Plantiffs, the Covenanter, or him who ſweareth, is the Defendant, and God is the Judge*; the which makes as good Muſick as *Aſinus ad Lyram*; all that I read, did ever make, not the ſwearing, but *the exaction of the performance of an Oath*, to be the Suit in Gods Court; and the Oath or Covenant to be the cauſe and ground on which the Suit is brought; and God as well as man to be the *Plantiff*, and a *Party*, as well as *a Judge* in every Oath, by reaſon whereof the Oath can never be diſcharged, becauſe no man can releaſe Gods Right and Intereſt in an Oath: So Dr. *Saunderſon* doth expreſly teach, *In Juramento promiſſorio non tantum proximo fit obligatio ſed & Deo; præſumptio igitur non ferenda eſſet, ſi terra & cinis aſſumeret poteſtatem tollendi*

* A rude and rough pavement in *Cheſhire*, done in the night, as tradition ſaith, by the Devil, who could not leave it till done.

De Juram Præl. ſept. Sect. 4. pag. 214.

tollendi obligationem qua homo obligatur Deo; which quite overthroweth his drift and aim, which is, *That if men will not exact the Oath, or be content that it be not performed, God the Witneſs and Avenger, or Judge of it, is tyed up; and he will not expect it, or puniſh for the neglect of it*: But Gods thoughts are not mens thoughts; he that ſweareth binds his ſoul unto the Lord, and muſt perform the thing that cometh out of his mouth.

When his dull *Genius* had made a dark diſcovery of this nature of an Oath, he pretends to reſolve an Objection, *That when the Covenant was adminiſtred, the Trial was finiſhed* (he means founded, for the Suit was not commenced till performance be exacted) *and a Bond was put upon the conſciences of men by the immediate hand of God; and therefore we ſay no human power can take off this Bond.*

Unto this he gives a moſt profound Anſwer, which thwarts and overthroweth the whole ſcope of his Book, and makes it appear he is rowling *Syſiphus ſtone*, which ſtill returns upon him, and reneweth his labour; his Anſwer is, *I ſay ſo too, what would you have more?* Nothing, for it is enough; yet we muſt be directed how to think of him, *I would not have you think that I have been ſtudying all this while to attribute a Pope-like power to my ſuperiors, to diſpence with the bond of an Oath that is already put upon my conſcience.* No indeed, I rather think he is ſtudying how to looſen a pair of tyring Irons.

But hath he no hole to creep out at, and evade his Anſwer, but thus expreſly overthrow his own deſign? yes! *When what was ſworn is performed, we are free-men, unleſſe the Superiour gets us into a new Bond.* That is very true, but what doth he infer? *This is all that I expect, that the higher powers will not renew the Oath and Covenant, and then that buſineſs is at an end.* But I doubt, Sir, he reckoned without his Hoſt; Hath he performed what he promiſed in the Covenant? it was thought to be work for all the days of his life; he is ſure a quick Merchant; or is he not rather ſo bad a Pay-maſter, that he will not perform any thing further then he is conſtrained, by being haled to priſon? like a Bankrupt, he dreams forbearance is an acquittance; and is ready to

begin

begin a new Score of Covenants, if any man be so mad as to trust him; if he can be secured from any new Bond, his conscience will never make him pay the old; he had need to be quickned, or otherwise he is resolved to be discharged: But I believe second thoughts will make him to see, he had need to pay for the old, before he be trusted for new; when he dreams the Tryal is ended, the Suit is but beginning; what though the Higher Power never renew the Covenant, will that cancel the Bond given to God? if he agree not with his Adversary quickly, he will be cast into prison; verily he must not come thence, till he have paid the utmost Mite; nor will it make a Plea to the least mitigation of damages, to say, Lord, *My Superiours did never require me to renew the Covenant*! His Majesty is like to have Loyal Subjects at *Chinkeford*, where they are taught, that their Allegiance being once performed, if the King do not cause them daily to renew the Oath of Allegiance, they are free to turn Rebels and Traytors, for any thing they had sworn before: This is an *Essex* —— much cheaper, and more easily to be had than a Popes Bull; if I be not by the impofer exacted and required to perform, I am *ipso facto*, released; he shall never want Clients, that can make such Releases; yet you must note, this he manageth with most earnestness and seriousness, as reaching *the very mystery and depth of the Covenant.*

But, Sir, he hath Salvo's for his Distinction; and Reasons for his Assertion; *What is pious, good and lawful in the Covenant, doth still bind* per vim Præcepti, *but not* per vim Juramenti; *and if he perform not the contents or intents of the same, he is guilty of disobedience, but not of perjury.* What a dull Buzzard am I? How have I spent my time, that never learned this Notion in Divinity before? I had once a Tutour commended to me by Dr. *Chappel*, and he makes me believe, the soul might at the same time be under *a double Bond* to the same Act; the single tye of the goodness and lawfulness of the Act, and the Cords of an Oath or Covenant, and that the last was the strictest Bond; he tortured my conscience with the thoughts of *a complicated sin*, in not doing a duty sworn to be done, and the guilt of both, *disobedience and perjury.* I must sure leave him, and take unto Mr *Russel*, attested by Dr. *Ganden*, he teacheth a smoother way to Hell.

for;

for where we are under a Duty, and an Oath to do it, in not doing it I ſhall be but damned for the leaſt ſin, the diſobedience, not the perjury.

2. *It was never yet denied, that in a promiſſory Oath between private perſons, be to whom the promiſe was made, if he will releaſe, he may releaſe*; if he had for *never* directed us to read *ever*; this had been an intelligent obſervation; for it hath ever been denied, that any man could releaſe *the Oath*, Dr. *Saunderſon* denieth it, and *Grotius* denieth it, and I deny it; and therefore they diſtinguiſh between the *Ralaxation of the matter* of the promiſe, which is to them *ſui Juris*, and *the Releaſe of the Oath*, which is Gods proper intereſt; I may remit my profit or benefit, and yet not releaſe an Oath; by his leave Sir, I do again deny, That *Abraham did releaſe his ſervant*; that which he dreames of to be a Releaſe, was part of the very *Indenture of the Covenant or Oath*, that the ſervant might ſee the matter of it in its Extent; but ſpare me Sir, what is all this to the purpoſe? it is to be proved that the Solemn League and Covenant is ſuch *a promiſſory Oath*; it was indeed agreed, concluded, and conſented unto by two Nations; but yet it is not *a reciprocal promiſe* each unto other, that they may at any time relax each to other the whole, or any part of the conditions thereof; but is *a joynt Oath or Vow* to God, by mutual Agreement put on the Kingdoms of *England* and *Scotland*; and then to follow his fancy, *God*, and God only, *is the Plantiff*, and no Higher Powers of either Kingdom, but they as Members of the Kingdoms are *Defendants*; whom God impleads to perform what they are bound to do. His promiſe was to prove the Covenant to be *of the nature of a promiſſory Oath*, which might be releaſed, and this I expected; but I would have him take time enough to do it in, I will expect his Reſolution at Dooms-day, when the Tryal ſhall be undoubtedly ended, and the Judge will openly declare his ſentence againſt all who have broken, or ſhall break the Covenant, though not renewed at the command of the Higher Powers.

This Gentleman tells the World, That *Mr.* Crofton *wonders at Dr.* Gaudens *Logick, in arguing the evil of it, from the unbleſt effects and conſequences of the Covenant*; And I think

Sir he had Reaſon; for *Event was never judged a Rule of Equity*; but the unbleſt effects reflected on the Covenant, did only accompany it, not ſprung from it, as its proper brood, and natural iſſue by it procreated, Shall wicked mens reluctancy to piety and order, or perfidy and contempt of the Oath of God create evil effects, accidental ſequels to the Covenant, and it be condemned? Sir, this man is ſure half an *Arminian*, and thinks Gods command to *Adam* to have been the cauſe of mans Fall: Is he not rather half an heathen, that in all Tumults, Earth-quakes, and Plagues of God upon them, would cry out, *Chriſtianos ad Leones*, as if they were the cauſe of all? Let any of them ſpecifie that evil in the Covenant, which hath a natural tendency unto theſe *unbleſt*, or let him ſpeak out, *curſt effects*; and I will damn it as an accurſed thing: But Sir, Mr. *Croſton* did not ſo much wonder at the Drs. Logick in this Argument, as at his little Reaſon or Religion in giving his *Atteſtation* to ſuch an Irrational, Atheological, Wild and Wicked Diſcourſe as this is; whilſt he fears the Covenanter is *righteous over-much*; I would adviſe him to conſider whether the next words do not ſuit his ſpirit, as proper for his meditation; *Be not over-much wicked, neither be thou fooliſh; why ſhouldeſt thou dye before thy time?* For Sir, if I can judge, his *words* are the language of a Fool, and his *Arguments* the Reaſons of wickedneſs, and *ſuch a Releaſe* of the Obligation of the Solemn League and Covenant, muſt needs haſten his ruine.

Eccleſ. 7. 71.

CONCLUSION.

Honoured Sir,

I Will trouble you no further, but leave theſe Poſitions unto your ſerious Conſideration; I have propounded them by way of Antitheſis, deſirous to weigh what could be ſaid againſt them; I am Sir ſo ſenſible of the weight of an Oath, the dread of Perjury, eſpecially on a Kingdom, that I could not ſee this Nations tendency thereunto in ſilence; if Sir, I have any judgment in Chriſtian Rules of ſafety; one of the firſt debates in order to the eſtabliſhment of this Kingdom, and Reſtoration of this Church, ſhould be how far we are under, and obliged by the Solemn League and Covenant. *I would not advance it above, nor ſet it againſt Scripture,*

pture; but muſt be bold to ſay, our Oaths (being of matter conſonant to Scripture) are ready Dictators (as well as Spurs) unto our Duty; and (in things meerly humane, morally good, though not neceſſary) the compaſs which ſhould ſteer our courſe; I muſt confeſs I cannot but be grieved to ſee ſome Tranſactions amongſt us, unto a contempt, nay, contradiction of the Covenant; *might but my poor weak papers provoke more able and ſerious Caſuiſts in good earneſt, as before God, and in the dread of an Oath, to ſtate, and (by right Religious Reaſon) to reſolve this caſe of conſcience; though in the Negative I had obtained my deſire, and (if I know my own heart) none ſhall be more ready then my ſelf (when convinced)* to fall down and worſhip, and confeſs God is in them of a truth. *I muſt Sir, beg your pardon wherein I appear too tedious; the weight of the Argument, the number and worth of the Antagoniſts, ſpeak ſomething in Apology for me. Sir, I commend you to the guidance of Gods Holy Spirit, and pray that you may be kept faithful and blameleſs, unto the coming of our Lord Jeſus.* Chriſt.

FINIS.